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A N  
H I S T O R Y  
OF THE LATE  
IMPORTANT PERIOD;  
FROM THE BEGINNING OF  
HIS MAJESTY'S ILLNESS,  
TO THE  
SETTLEMENT OF THE EXECUTIVE GOVERNMENT,  
IN THE  
APPOINTMENT OF A REGENT:  
TO WHICH ARE ADDED,  
O B S E R V A T I O N S  
ON THE  
CONDUCT OF THE TWO CONTENDING PARTIES,  
TO THE  
PERIOD OF HIS MAJESTY'S RE-APPEARANCE  
IN THE  
HOUSE OF LORDS.

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L O N D O N:

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EXCHANGE.

1789.



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A N  
H I S T O R Y  
O F T H E  
IMPORTANT PERIOD, &c.

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**S**TATES possess the same imperfect nature as the individuals which compose them. Infancy, maturity and decline have marked the course of antient empires, and the governments of the present æra will furnish similar examples to succeeding ages.—Perfection is not the lot of sublunary nature ;—decay waits upon strength,—wisdom and virtue are in continual contest with vice and folly,—and the most prosperous state can never be removed from the vigilance of calamity. We may apply these observations to ourselves,—to our race of every age,—and to every kingdom from the beginning of the world. We have only to trace a

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few

few past years for the illustration of these truths in the history of our own country. From a state of great and national depression, in the war before the last, we were suddenly raised to unexampled greatness by the vast genius of one man, who seemed to possess the power of commanding victory, and giving stability to fortune; but the peace of *Lord Bute* followed the Administration of *Mr. Pitt*, and to our great, though inadequate prosperity, succeeded the *American Rebellion* and all the afflicting concomitants of it. Great Britain, however, with all its losses, oppressions and dismemberments, still possessed the energies of a rich, a brave, and a free people; and they were so directed and employed by the present minister, as to restore the country to its former rank among the nations of Europe, to enable it to bear with cheerfulness its heavy burthens, and to promise an alleviation of them. The British commerce flourished, and was extending itself under various new and wise arrangements,—wealth flowed into this country from every quarter of the globe,—war kept itself at a distance from us, and had it approached, we were in a condition to command it into peace. The affairs of domestic government were conducted with wisdom, and the party in opposition, though composed of great abilities and personal influence, were just sufficient, and no more, to form such a check, as every reflecting man would wish that every Administration should experience. At such a period what reason

was

was there to justify an apprehension of any event that might blast the exulting hopes of a contented people. Nevertheless, a calamity of the most affecting and unusual nature was at hand to check the current of public felicity. The KING was smitten by the hand of Heaven, and by the stroke was deprived of the capacity to govern his kingdoms. The alarm on this occasion cannot be easily described, and it may be sufficient to observe, that it was such as became the feelings of a generous, an humane, and a loyal people.

Superstition, which had often recurred to the year 1588, when the *Popish Confederacy*, as it is called, against the country, was defeated; and to the year 1688, which was the æra of our glorious revolution, could not but look forwards with some kind of expectation, that the close of another century of years, would unfold some event of a very uncommon nature; and that the year 1788, would be distinguished by some circumstance of great national moment:—such an expectation, however frivolous in itself, has been realized, and a crisis arrived of the most immediate importance to this country. To bring all the circumstances of this extraordinary period into one view, with the Debates in Parliament, which form so principal a part of them, is the object of this volume;—and, by publishing such an history of this political epocha, we hope to perform a service grateful to our own times, and to posterity.



In the early part of the summer of the year 1788, the health of the KING had in some degree declined, and he was advised to apply to the medicinal waters of *Cheltenham*, in *Gloucestershire*, for the re-establishment of it. His Majesty, therefore, on the day after he had closed the Sessions of Parliament, by a speech from the throne, quitted his capital, with the queen and three of the princesses, and passed several weeks at that place, unincumbered with state and formality, and happy in receiving the most unfeigned marks of affection and pure loyalty, from all ranks of people in the surrounding country.

On his Majesty's return to the neighbourhood of the metropolis, the public had every reason to hope that the royal excursion had been attended with the best effects. About the middle of the month of October, however, some unpleasant symptoms appeared in his Majesty's constitution, which continued, with some little temporary abatement, to increase in such a manner, as in the beginning of November, to occasion very serious public alarms concerning his life: indeed, such was the nature of his disorder, as to require every precaution to keep it from being immediately known; and the evident appearance of secrecy with respect to the royal malady, gave the public every reason to fear that it would deprive them of their sovereign: on the ninth of that month, which was *Lord Mayor's Day*, the belief was universal throughout the metropolis, that



that his Majesty was no more, and that the awful event was with-held from publication, till the Mayor of London was sworn into his office. But after a few days of anxious suspense, the public affliction found a new and unexpected object. It appeared that the King's malady did not endanger his life, but had invaded his reason, and rendered him incapable of governing his kingdom. In such an affecting situation, which this country had never before experienced, the people naturally looked with the most anxious expectation to the approaching meeting of Parliament, for the adoption of such measures as the wisdom of the two remaining branches of the legislature might suggest, to supply the melancholy deprivation of the executive power.

On *Thursday* the 20th day of *November*, the Parliament met according to the last prorogation, and when the Chancellor of the Exchequer had entered the House, the Speaker rose at the table, and desired to know, “ as no new commission had been issued “ for the further prorogation of Parliament, whether it was the pleasure of the House that he “ should take the chair;” which being made known by a general assent of the House, the Speaker took his seat. After some necessary formalities, Mr. *Chancellor Pitt* rose, and observed that a most calamitous circumstance had occurred, which rendered the meeting of that House indispensably necessary, without the usual and previous notice. The circumstance to which he alluded, was the melancholy

state of the KING's HEALTH, which had made it impossible for his Majesty's servants to receive any commands from him. He added, that the few authorities which existed, and which were at all similar in their application to the present singular situation of affairs had been consulted; but as they did not point out the possibility of issuing a new commission for the further prorogation of Parliament, nor enable them to open the Session in the usual form, he trusted that he spoke the opinion of every one who heard him, when he suggested that it would be highly improper for the House to proceed to the discussion of any public business whatever, and that it was absolutely necessary for them to adjourn; he therefore proposed to make an adjournment to that day fortnight; and as at that time if the prayers and wishes of the nation should be disappointed by a continuance of his Majesty's illness, they must proceed to consider what would be necessary to be done, and what measures ought to be adopted in the important crisis. He should also move for a call of the House, on that day fortnight; and that the call might be rendered as effectual as possible, he should accompany his last motion with another, to direct the Speaker to write circular letters in the most serious and solemn manner, requiring the attendance of every member on that day fortnight.—The Chancellor of the Exchequer therefore moved,

1. That the House at its rising, do adjourn to that day fortnight.

2. That

2. That the House be called over on Thursday the 4th of December.

That the Speaker be directed to send circular letters, requiring the attendance of every member on that day; all which motions were carried, *ne-mine contradicente*.

On the 4th day of December, the House met pursuant to their adjournment from the 20th of the former month, and the Speaker having taken the chair, Mr. *Chancellor Pitt* prefaced the business of the day, by observing that the same unhappy cause which prevented the exercise of public business at their last meeting, still existed, but that this matter should appear in the fullest manner to the House, and that every information respecting his Majesty's present state might be given with all becoming authenticity, he should move for the report of the examination of the physicians attending his Majesty to be read.

This report was made by the Privy Council, who had met on the preceding day to examine the royal physicians, and which consisted of

Lord Camden                      Archbishop of Canterbury  
The Lord Chancellor—Bishop of London

DUKES OF

Richmond                      Portland  
Chandos                      Montague

MARQUISSES OF

Stafford                      Carmarthen  
Landisdown

## EARLS OF

## LORDS

Derby

Stormont

Cholmondeley

North

Dartmouth

Onslow

Aylesbury

Loughborough

Ludlow

Sydney

Courtoun

Dover

Howe

Kenyon

Sir George Yonge

Mr. Dundas

Mr. Pitt

Mr. Grenville

Mr. Fox

Mr. Burke, &amp;c. &amp;c.

The substance of the Report is as follows :

DOCTOR WARREN called in, and examined  
*upon oath.*

*Question.* Do you think his Majesty's present disorder to be such as incapacitates him from meeting his Parliament in the usual manner, and transacting the public business of the nation?

*Answer.* I think his Majesty's disorder denies him the capacity of transacting any public business.

*Q.* Do you think his Majesty's disorder a curable or incurable malady?

*A.* I think the disorder is a curable malady.

*Q.* Upon what do you ground your opinion?

*A.* Upon experience in some instances---upon the reports of physical men in others. Many persons in his Majesty's present state having recovered.

*Q.* Can you take upon you to say in what time the malady may be removed?

*A.* That is impossible for me to ascertain.



Sir GEORGE BAKER examined *upon oath*.

His evidence was pretty nearly the same as Dr. Warren's, with the addition that he took upon him to say, that the disorder was curable, from a variety of instances, in which persons labouring under a similar malady were restored to their former health, and that it was his opinion, there was a probability of his Majesty being relieved, and reinstated in a situation of mind and body, equal to what he enjoyed before he was visited by his present illness.

Sir LUCAS PEPYS examined *upon oath*.

His opinion in respect to the disease being curable confirmed that of the two Gentlemen whose examination preceded him. He said, that the malady not being *Hereditary*, made it the more easy to be removed; and that, from what he had known in his own practice, and from persons attending different hospitals, there was every reason to believe that his Majesty's disorder would be removed; but as to the time, he could not take upon him to ascertain; it might be weeks or months.

Dr. REYNOLDS examined *upon oath*.

The Doctor coincided in opinion that the disorder was curable, and that there were variety of instances to warrant the justice of that opinion. Every Physical man, he said, had in his practice met with one or more of those cases, and they  
all

all tended to verify the fact of such a malady being removable.

Dr. ADDINGTON examined *upon oath*.

*Question.* Do you think that his Majesty's present disorder incapacitates him for public business?

*Answer.* I do.

Q. Can you take upon you to say the disorder is of such a nature, that a cure may be perfected?

A. I can affirm that to be my opinion.

Q. On what do you ground that opinion?

A. On similar cases, which have come within my own knowledge. I have known many persons labouring under the same distemper, and in a worse state, perfectly cured; and I have every reason to expect such will in time be his Majesty's relief?

Q. In what time do you suppose this malady may be removed?

A. I cannot take upon me precisely to determine—it may be in a week—or in a month.—Some have not been relieved in less than a year. This I can aver, that finding persons in the neighbourhood of *Reading* much addicted to that unhappy disorder, I built a house there, and at times have had eight or ten under my care, all of whom were perfectly cured within the year. They might indeed have been ill perhaps many months before they were sent to me, but this I can aver upon oath, I never knew an instance during

ring my practice wherein a patient afflicted with that kind of malady under which his Majesty labours, and whom I deemed curable, that was not restored perfectly to his former state of health, and as capable as ever of transacting business; and, on the contrary, those that I deemed *incurable*, never did recover.

To each Gentleman the leading question was, Whether the King was capable of transacting business?—and to which they respectively answered, —*That he was not.*

On Mr. PITT's moving that the Report should lie on the table, &c.

Mr. VYNER rose, and observed, that the House should not so far delegate its authority as to receive any Report made through any other channel than its own. That, therefore, it was his opinion, that his Majesty's physicians should attend in person at the Bar of that House, to give their evidence.

Mr. Chancellor PITT declared, that nothing could be farther from his intention, than to preclude any measure which the House might, in its wisdom, think it necessary to adopt, for the purpose of procuring the most ample information. He was of opinion, however, that when gentlemen reflected upon the delicacy of the subject, and the dignity of the Great Personage to whose state of health the Report referred, they would think with him, that the mode pursued by  
the

the Privy Council was precisely that which ought to have been adopted, and which Parliament might, without suffering the least infringement of its dignity, pursue. They would please, likewise, to remark, that the examination of the physicians, by the Privy Council, had been taken upon oath, which could not be the case if they were to be examined at the bar of the House, as the House of Commons had no power to administer an oath to a witness.

Mr. Fox observed, however willingly he gave his entire and approving acquiescence of the steps that had been taken in this melancholy business, he still had his doubts, as well as the honourable Member who spoke last but one, whether gentlemen ought in duty to rest satisfied without the personal examination of those physicians, on whose testimony they were to found consequences of the utmost importance. They would, no doubt, all feel it necessary to act with every possible delicacy in the course of their proceedings; but, at the same time, if delicacy and their duty should happen to clash, the one ought to be sacrificed to the other.

The question was at last put, and carried *nonne contradicente*.

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MONDAY, DECEMBER 8th.

As soon as Mr. PITT came down, he informed the House, that he wished, previous to the order  
of



of the day being read, to state to them a few motions which he intended to submit to their consideration, which being agreed to by the House, he proceeded by acquainting them that it was his wish and most earnest desire, to collect by every possible means such evidence, and procure such information on the present melancholy situation of our Sovereign, as would enable them to determine upon those measures which seemed most prudent in this critical and very solemn business. He was a friend to every mode that honourable House could suggest, and adopt in so momentous an undertaking as the present. He informed them, that for the purpose of receiving the most satisfactory and substantial opinion respecting his Majesty's present indisposition, two more physicians of eminence and ability were called in; one of whom was peculiarly skilled in the treatment of cases similar to that under which his Majesty laboured. He trusted the motions, he was now about to make, would be the means of enabling them to come to a speedy determination on the subject, as by the proposed plan, the sense of the House would shortly be known, and the business no longer procrastinated. He also mentioned, it was his intention to move for a separate Committee to search for precedents, that every advantage should be taken of the time; he therefore should move for this last Committee to proceed, and report their enquiries

ries so soon as the first Committee finished their examination of the physicians.

Mr. VYNER seemed not to understand in what manner the sense of the House could be collected.

Mr. PITT in reply informed him, that the Committee of the House to examine the physicians, touching his Majesty's indisposition, would of course report the same to the House.

Mr. POWIS was of opinion, that if both Houses would agree to appoint a *joint Committee*, it might be productive of great advantage—but he relinquished the idea as soon as

Mr. PITT acquainted him, that such a measure would only tend to cause a longer delay in the proceedings of the House. He also gave it as his opinion, that it might not be very easy or expeditious to prevail upon the House of Lords to appoint a Committee of their House; and was even such a measure as the Hon. Gentleman hinted at, to take place, there is no knowing (said Mr. Pitt) what obstructions and delays might occur afterwards. He wished to guard against any future event, that might in the smallest degree operate against the rights and privileges of the House he had the honour of being a Member of. He conceived it to be a matter of the highest importance to protect and preserve the ancient prerogatives of that House, and was against introducing

roducing any new measure, that would class in the most remote manner with both Houses.

Mr. FREDERICK MONTAGUE perfectly coincided in opinion with Mr. Pitt, and was of opinion, that such a Committee as he proposed now to the House, was a sure mode of gaining every intelligence that might, at this juncture of time, be necessary.

Mr. BURKE also agreed with Mr. Pitt, and seemed highly pleased with the prospect that appeared, in consequence of that Gentleman's (Mr. Pitt's) motions, in being able to come to a speedy and conclusive determination on the present solemn occasion.

Mr. PITT then rose, and moved, first,

“ That the House do appoint a Committee, consisting of *Twenty-one Members*, to examine the Physicians appointed to attend on his Majesty, touching his present melancholy indisposition, and to report the same.

“ That this Committee do immediately (*at five o'clock*) meet in the Speaker's Chamber, and continue their examination from time to time, notwithstanding any adjournment of this House:—five members to be a quorum.”

“ That no member of this House be present at the examination of the Physicians, unless he belongs to the Committee.”

“ That this House do now adjourn to Wednesday next.”

Each

Each motion being put separately, they were carried *nem. con.*

Mr. PITT then read the names of such Members as he proposed for the Committee, who were separately called over by the Speaker as follow :

The Chancellor of the Exchequer.	The Lord Advocate of Scotland.
Lord North.	R. B. Sheridan, Esq.
W. W. Grenville, Esq.	William Hufsey, Esq.
Rt. Hon. Charles Fox.	Marquis of Graham.
John Rolle, Esq.	Lord Belgrave.
Fred. Montague, Esq.	Sir Grey Cooper.
The Attorney General.	W. Wilberforce, Esq.
Robert Vyner, Esq.	Rt. Hon. P. C. Wynd-
Rt. Hon. H. Dundas.	ham.
Thomas Powys, Esq.	Philip Yorke, Esq.
The Solicitor General.	Lord Gower.

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WEDNESDAY, DECEMBER 10, 1788.

Soon after the Speaker had taken the Chair, Mr. Chancellor PITT came to the Bar with the Report of the Committee, “ appointed to examine the Physicians who have attended his Majesty, touching the state of his health, and to report such Examination to the House.” Being ordered to bring it up, he laid it on the table accordingly.

REPORT.



## R E P O R T.

*The Committee appointed to examine the Physicians who have attended His Majesty during his Illness, touching the present State of His Majesty's Health, and to report such Examination forthwith to the House :*

**H**AVE, pursuant to the Order of the House, proceeded to examine the said Physicians ; which Examination is as follows :

Dr. RICHARD WARREN  
*called in and examined.*

WHETHER, in his opinion, the state of his Majesty's health is, or is not, such as to render his Majesty incapable, either of coming to Parliament, or of attending to public business ?

His Majesty's state of health is such as to render him incapable of coming to Parliament, or attending public business.

What hopes has Dr. Warren of his Majesty's recovery ?

The hopes of his Majesty's recovery must depend on the probability of cure ; and that can only be judged of by what has happened to others in similar cases ; and, as the majority of others have recovered, there is a probability that his Majesty may recover likewise.

Can Dr. Warren form any judgment, or probable conjecture, of the time which his Majesty's illness is likely to last ?——No.

What degree of experience has Dr. Warren had of the particular species of disorder with which his Majesty is afflicted ?

In the course of 27 or 28 years practice I have seen many persons disordered in a manner similar to that of his Majesty ; some have soon recovered under my sole care ; when that has not happened, I have always called in the persons who make this branch of medicine their particular study, and have sometimes attended in conjunction with them, but have oftener left the patients to their care,

and have afterwards attended in consultation only, and in many cases not at all.

Whether, when Dr. Warren speaks of others in similar cases to that of his Majesty, he means to include all the different species of the disorder, or to confine himself to that particular species with which his Majesty is afflicted?

I do not mean to confine myself to that particular species with which his Majesty is afflicted, but to include all the different species of the disorder.

Can Dr. Warren state how many particular species there are of this disorder?—No.

Can he state any distinct species of the disorder?

Yes; though the immediate causes of this disorder cannot be ascertained, yet some of the remote ones are well known.—Injuries received from blows or falls—sudden affections of the mind—the effect of fever.—Besides there are several internal causes of this disorder; namely, exostoses, indurations, and ill-conformation of the parts.

Whether this disorder may not sometimes exist, when it cannot be referred to any of those causes which Dr. Warren has specified?—Yes.

Is his Majesty's disorder, in your opinion, referable to any of the causes enumerated by you, or can you assign any known cause to which, in your judgment, it is referable?

I cannot assign his Majesty's malady to any cause whatever, as I have not data sufficient to ground an answer upon.

In this species of the disorder, which are not referable to any assignable cause, is the probability of cure greater or less than the probability estimated on all the species taken together?

I cannot tell.

Can Dr. Warren state what the comparative probability is, in each of the causes which he has assigned?

The disorder proceeding from external injuries, such as blows, is frequently cured if medicine be expeditiously applied.—When the malady arises from sudden affections of the mind, it is very frequently cured. When from the effect of fever, it is oftener cured than when from any other cause.

When the malady proceeds from the internal causes mentioned above, no good can be done by medicine.

Can

Can Dr. Warren state what proportion, of the whole number of persons, afflicted with this malady, have been so, owing to each of the causes he has enumerated, and what proportion, where it can be referred to no assignable cause ?

I cannot state any precise proportion ; but, out of a great number, there are very few cases where it is possible to ascertain that it proceeds from any assignable cause.

Is there any one of the particular causes enumerated, to which Dr. Warren can say, that the disorder with which his Majesty is afflicted is not to be referred ?

I do not think his Majesty's disorder appears to proceed from any one of the causes enumerated by me.

Can Dr. Warren say with certainty, whether his Majesty's disorder may, or may not, have proceeded from injury by blows or falls ?——I cannot.

Can Dr. Warren say with certainty, whether his Majesty's disorder may, or may not, have proceeded from sudden affections of the mind ?——I cannot.

Can Dr. Warren say with certainty, whether his Majesty's disorder may, or may not, have been the effect of fever ?

I can say with certainty it has not.

Can Dr. Warren say with certainty, whether his Majesty's disorder may, or may not, have proceeded from any of the internal causes he has mentioned ?——I cannot.

Whether, in those species of the disorder which cannot be referred to any assignable cause, the probability of cure may not be various in different cases, according to the symptoms of the particular case, or the apparent degree of the disorder ?

I think not, unless signs of convalescence are coming on.

Whether the knowledge of the remote cause is of assistance towards promoting the cure ?

In many cases I think it is, but sometimes not.

Whether, in his Majesty's disorder, Dr. Warren sees any present signs of convalescence ?——No.

Whether every cure, in the same person, of a disorder which has returned, is included in the calculations of the whole number of cures ?

I consider every case that comes as a new case, and have included them in that calculation ; but I believe that, excluding them, the majority still are cured.

Whether, of those persons whose disorder cannot be referred to any assignable cause, the greater numbers have, or have not, been cured?

I cannot answer that with accuracy.

Has the greater number of men, that have been afflicted with this disorder, recovered?—Yes.

Has the greater number of persons recovered, whose disorder has lasted, without signs of convalescence, as long as that of his Majesty has already done?—Yes. [Withdrew.]

## SIR GEORGE BAKER

*called in and examined.*

Whether, in your opinion, the state of his Majesty's health is, or is not, such as to render his Majesty incapable, either of coming to Parliament, or of attending to public business?

I think that the state of His Majesty's health is such as renders him incapable of coming to Parliament, or of doing any other public business.

What hopes has Sir George Baker of his Majesty's recovery?

I hope that his Majesty will recover, because I think it probable. My own experience, and the experience of other physicians, lead me to think that his Majesty's disorder is curable.

Can Sir George Baker form any judgment, or probable conjecture, of the time which his Majesty's illness is likely to last?

I can form no judgment or conjecture as to the probable duration of his Majesty's disorder.

What degree of experience has Sir George Baker had of the particular species of disorder with which his Majesty is afflicted?

I was formerly a pupil of Dr. Batty's, who attended an hospital, where I had an opportunity of seeing many instances of this disorder. I have likewise had private patients, from time to time, under that disorder; but whenever the disorder has been of some continuance, I have desired the assistance of physicians who particularly attended persons so disordered.

Whether Sir George Baker founds his opinion, in his answer to the second question, upon the particular symptoms of his Majesty's case, or upon his experience of the disorder in general, or upon both?

Upon my experience of the disorder in general.

Whether



Whether, in his Majesty's disorder, Sir George Baker sees any present signs of convalescence ?

I do not see any present signs of convalescence.

Whether Sir George Baker learns from experience, that the greater number of persons, who have been afflicted with this disorder, have recovered ?

Upon general experience, the greater part have recovered.

Whether every case, in the same person, of a disorder which has returned, is included in the calculation of the whole number of cures ?

I will not undertake to answer that question.

Has the greater number of men that have been afflicted with this disorder recovered ?——I think so.

Has the greater number of persons recovered, whose disorder has lasted, without signs of convalescence, as long as that of his Majesty has already done ?

Yes ; I can answer that in the affirmative.

Was Sir George Baker in attendance upon his Majesty, as his physician, previous to his being afflicted with his present disorder ?

Yes.

Whether Sir George Baker can assign any known cause, to which, in his judgment, his Majesty's present disorder is referable ?

I can assign no known cause in which his Majesty's present disorder is referable.

Was the attack of his Majesty's disorder sudden, or gradual ?

Sudden.

When did that attack take place ?

The first suspicions I had of this disorder, was in the evening of Wednesday, the 22d of October last.

Whether any fever, or other complaint, had preceded that attack ?

There had been fever, and other complaints ; but on that morning his Majesty had no fever.

Whether, in cases where the attack has been sudden, the recovery has been sudden also ?

My observations on this disorder do not enable me to answer that question. [Withdrew.

The REV. DR. FRANCIS WILLIS  
*called in and examined.*

Whether, in his opinion, the state of his Majesty's health is, or is not, such as render his Majesty incapable, either of coming to Parliament, or of attending to public business ?

He certainly is not capable.

What hopes has Dr. Willis of his Majesty's recovery ?

I have great hopes of his Majesty's recovery. If it were any other person but his Majesty, I should scarce entertain a doubt : when his Majesty reflects upon an illness of this kind, it may depress his spirits, and retard his cure more than a common person.

Can Dr. Willis form any judgment, or probable conjecture, of the time which his Majesty's illness is likely to last ?——I cannot.

What degree of experience has Dr. Willis had of the particular species of disorder with which his Majesty is afflicted ?

A great deal, for 28 years ; I imagine I have never had less than 30 patients every year of the time.

Whether Dr. Willis founds his opinion, in his answer to the second question, upon the particular symptoms of his Majesty's case, or upon his experience of the disorder in general, or upon both ?

Upon both.

Whether, in his Majesty's disorder, Dr. Willis sees any present signs of convalescence ?

I cannot say that I do ; at the same time there is every thing leading towards it, as the irritation has in a great measure subsided, which must precede convalescence, or any appearance of it. It must come on very gradually.

Whether Dr. Willis learns from experience, that the greater number of persons, who have been afflicted with this disorder, have recovered ?

A very great majority ; I do not think I should speak false, if I said nine out of ten, of those that have been put under my care, within three months after they had begun to be afflicted with the disorder.

Whether every cure in the same person, of a disorder which has returned, is included in the calculation of the whole number of cures ?

If a person has been twice brought under my care, and twice cured, I reckon two cures, as I should of a fever.

Has

Has the greater number of men, that have been afflicted with this disorder, recovered?

I never calculated that; I did not think there was any difference between the two sexes as to the facility of cure.

What state of his patients does he consider as a cure?

Their being able to take upon themselves the conduct of their own affairs, and do the same business they were used to do before they fell ill.

What is the shortest space of time within which, in his experience, were persons, affected as his Majesty is, restored to health?

Six weeks or two months, is the shortest, I believe.

Does Dr. Willis see any thing in his Majesty's case, which enables him to pronounce that his Majesty may not be restored to health within that compass of time from the commencement of his attendance on his Majesty?

I do not see any thing to enable me to pronounce that he may not.

Does Dr. Willis see any thing in his Majesty's case, which enables him to pronounce that his Majesty will be restored to health within that space of time?

I cannot presume to say that he will.

What has been the longest space of time in which the disorder has lasted, in the case of such patients as have been brought to him within three months from the beginning of the attack, and as have recovered?

A year and a half, I believe, has been the longest of such patients as have been brought to me; and few have been so long.

What is the most ordinary space of time he has found necessary for the cure of such patients?

I should think five or six months, as near as I can calculate.

How long has Dr. Willis attended his Majesty?

Since Friday morning last.

Whether, from your own observation, or from the particulars which have been communicated to you, you can assign any known cause to which, in your judgment, his Majesty's disorder is referable?

From my own experience with regard to his Majesty, I cannot say any thing; but from a very particular detail of his mode and manner of life for twenty-seven years, I do imagine, that weighty business, severe exercise, and too great abstemiousness, and little rest,

have been too much for his constitution. It is very early to give an opinion, and I may be mistaken; but I am the more inclined to think myself right, because the medicine that has been given his Majesty ever since Sunday morning, and was intended to meet and counteract those causes, has had as much effect as I could wish; and his Majesty has certainly been gradually better from the first six hours of his taking it.

Whether you have reason to believe, that the circumstances you have enumerated, are frequently causes of this disorder?

I believe they are very frequently.

When the disorder has arisen from such causes, have you frequently known it cured?

Very frequently.

Have the greater number of those cases been cured or not?

Certainly. I believe they are more easily to be cured, than where the disorder proceeds from excessive drinking, or other intemperance, or some other causes. [Withdrew.]

## DR. THOMAS GISBORNE

*called in and examined.*

Whether, in his opinion, the state of his Majesty's health is, or is not, such as to render his Majesty incapable of coming to Parliament, or of attending to public business?

I think he is absolutely incapable.

What hopes has Dr. Gisborne of his Majesty's recovery?

I think there are hopes.

Can Dr. Gisborne form any judgment, or probable conjecture, of the time which his Majesty's illness is likely to last?

I think that is impossible.

What degree of experience has Dr. Gisborne had of the particular species of disorder with which his Majesty is afflicted?

Not much particular experience. I have seen persons affected in the same way, even to a greater degree, who have recovered.

Whether Dr. Gisborne founds his opinion, in his answer to the second question, upon the particular symptoms of his Majesty's case, or upon his experience of the disorder in general, or upon both?—Upon both.

Whether, in his Majesty's disorder, Dr. Gisborne sees any present signs of convalescence?

I think



I think that can hardly be said.

Whether Dr. Gisborne can assign any known cause to which, in his judgment, his Majesty's present disorder is referable ?

No. [Withdraw.]

## DR. ANTHONY ADDINGTON

*called in and examined.*

Whether, in your opinion, the state of his Majesty's health is, or is not, such as to render his Majesty incapable, either of coming to Parliament, or of attending to public business ?

I think he is incapable, at least he was when I saw his Majesty last : it was about a week ago.

What hopes has Dr. Addington of his Majesty's recovery ?

I think there are very good grounds of hope.

Can Dr. Addington form any judgment, or probable conjecture, of the time which his Majesty's illness is likely to last ?

It is a very hard matter to form any certain judgment, or conjecture.

What degree of experience has Dr. Addington had of the particular species of disorder with which his Majesty is afflicted ?

I had patients in a house that I built at Reading, five years antecedent to the year 1754, when I came to London.

Do you found your opinion, in your answer to the second question, upon the particular symptoms of his Majesty's case, or upon your experience of the disorder in general, or upon both ?

I think there is some reason to found it upon symptoms, as well as experience. Though I have seen his Majesty very uneasy, it did not arise to that degree of inquietude which denoted a disease that would be of very long duration. I thought there was something in the very habit of body, as well as in his Majesty's complexion, and in what had been his way of life, that was very favourable to a cure. Where there is not a very great exertion of body or mind, persons who have lived in the way his Majesty has done, are very rarely liable to this illness. From the account I had from my brethren, who had the honour to attend his Majesty, I had very great expectations that it would end happily, from this circumstance, that it had not for its forerunner that melancholy which usually precedes a tedious illness of this sort. I never knew

an instance of an illness, that, under proper care, ran to any great length, which had not been so preceded. As for experience, I have visited a considerable number of patients in that disease, in and round Reading. Finding they could not be taken so much care of as they ought to be in their own houses, and that I might be as little interrupted as possible in the practice of the other branches of my profession, I built a house contiguous to my own for the reception of such patients. I visited them there constantly every day. I had from eight to ten patients there usually at a time. During that time two patients were admitted, who were reasonably deemed to be incurable at the time of their coming, and for years before. During the charge of my patients, for five years together, at that house, I never had more than two other patients that were not cured within the year, and continued well, as far as I knew. Some recovered in much shorter time; and I had several that were not quite well within a quarter of a year. If any of those persons had relapsed, I believe, from the partial opinion of their families, I should have heard of it. Where there is a relapse, I should not call it a perfect cure.

What state of the patients did Dr. Addington consider as a cure?

When the patient was able to do every thing that a man in health does.

What were the particular circumstances of the two patients before mentioned by Dr. Addington, which occasioned their being deemed incurable?

One of those persons had been for many years under the care of a very skilful physician, in an house for the reception of patients under this disorder. It was a case that was different from all others with which I have been acquainted, both in the cause, and in the circumstances which preceded and attended it. The other was a patient who, I believe, had been ill very many years; she had been for some time under the care of an eminent physician, who wished her to be put into a house, where she might be taken care of for life; she was atrabilious in the highest degree, and died, from the effects of that disorder, in about a week.

Whether the majority of the patients under your care were men or women?——I think nearly equal.

Whether Dr. Addington professed to take, and did in fact take, all patients that were offered him?

I had

I had not always room. I excluded none on account of the nature of the disorder.

What has been Dr. Addington's attendance on his Majesty?

I saw his Majesty for three days successively, and for twice each day for a considerable time.

Whether, during the time of that attendance, he observed any signs of convalescence in his Majesty?——No.

Whether, from your own observation, or from the particulars which have been communicated to you, you can assign any known cause to which, in your judgment, his Majesty's disorder is referable?

I cannot pretend to say what the cause was, either from what I saw, or what was communicated to me. I do not chuse to hazard a conjecture. [Withdrew.

## SIR LUCAS PEPYS

*called in, and examined.*

Whether, in your opinion, the state of his Majesty's health is such as to render his Majesty incapable, either of coming to Parliament or of attending to public business?

The state of his Majesty's health certainly is such as to render him incapable of coming to Parliament, or attending to public business.

What hopes has Sir Lucas Pepys of his Majesty's recovery?

I have the same hopes of his Majesty's recovery as I should have if he were labouring under any other disease, of which I knew the majority labouring under it did recover. That the majority do recover, I am satisfied from my own experience, and from the assurance of a person who has most experience in cases of this sort.

Can Sir Lucas Pepys form any judgment, or probable conjecture, of the time which his Majesty's illness is likely to last?

It is impossible to form any conjecture on that subject.

What degree of experience has Sir Lucas Pepys had of the particular species of disorder with which his Majesty is afflicted?

I have occasionally seen several persons under that disorder, sometimes alone, but more frequently with those whose practice leads them more particularly to attend to it.

Whether, in his Majesty's disorder, Sir Lucas Pepys sees any present signs of convalescence?

His Majesty is more quiet than he has been; but there are no present signs of immediate convalescence.

Are



Are there any actual symptoms at present, which lead Sir Lucas Pepys to entertain more favorable hopes of his Majesty's recovery, than he has hitherto had during his attendance?

I think there are very material symptoms, as his Majesty's general state of health is certainly much better than it was.

Is the amendment that has taken place, only in his Majesty's general state of health, or is there any abatement of his particular disorder?

From his Majesty's general state of health being better, his sleep more quiet, his appetite is better, and he is more in his usual state; all which circumstances must previously occur before recovery; but these are only leading steps towards recovery—the disorder still remains; it is difficult to say whether it is actually abated.

What does Sir Lucas Pepys mean by his Majesty being more in his usual state?

More quiet, and in a less perturbed state.

Whether is it Sir Lucas Pepys's opinion that there is, or is not, at present any abatement of his Majesty's disorder?

I have answered it, by saying it is difficult to say whether there is any actual abatement, and I wish to explain my meaning in these words—The only way of explaining it is by analogy to some other complaint. In the case of a mortification, where the bark would most probably effect a cure, I could not say, during several hours after its being taken, whether there was, or was not, any abatement of the mortification: so, in the case of his Majesty, I cannot say, whether the return of general health has, or has not, yet produced any actual abatement of the particular disorder; but such a return of general good health would lead me to be of opinion that an evident abatement might be expected. I can, however, say, that no actual evident abatement has yet taken place.

When Sir Lucas Pepys, in his answer to the second question, states that the majority of persons labouring under the same disorder with his Majesty do recover, does he mean to include all the different species of the disorder, or to confine himself to that particular species with which his Majesty is affected?

I mean in that estimate to speak of the disorder generally, and not specially.

Can you assign any known cause to which, in your judgment, his Majesty's present disorder is referable?

I know no evident, or assignable cause.



Is his Majesty's a frequent species of the disorder?

It is a frequent species of the disorder.

In this species do the majority recover?

Certainly, in this species the majority do recover.

## DR. HENRY REVEL REYNOLDS

*called in and examined.*

Whether, in your opinion, the state of his Majesty's health is, or is not, such as to render his Majesty incapable either of coming to Parliament, or of attending to public business?

His Majesty is certainly incapable of it.

What hopes has Dr. Reynolds of his Majesty's recovery?

I think there are well-founded hopes of his Majesty's recovery.

Can Dr. Reynolds form any judgment, or probable conjecture, of the time which his Majesty's illness is likely to last? —No.

What degree of experience has Dr. Reynolds had of the particular species of disorder with which his Majesty is afflicted?

I have been almost twenty years in business, and in the course of that time I have seen a great number under this disorder, both singly and together with others.

Whether you found your opinion, in your answer to the second question, upon the particular symptoms of his Majesty's case, or upon your experience of the disorder in general, or upon both?

Rather upon general experience; though I think there is nothing peculiar in his Majesty's case which forbids the presumption of recovery.

Whether, in his Majesty's disorder, you see any present signs of convalescence?

I do not see any present signs of convalescence; though I think his Majesty's being quieter, and in a better state of general health, would lead me to hope that it is a step towards it.

Whether Dr. Reynolds learns from experience, that the greater number of persons afflicted with this disorder have recovered?

The greater number, I think, have recovered.

Whether Dr. Reynolds apprehends, that in calculations founded on general experience, every cure in the same person is included?

I apprehend that it is—they consider every distant relapse as a new disease.

Whether Dr. Reynolds can assign any known cause to which, in his judgment, his Majesty's disorder is referable?

No; I cannot. [Withdrew.]

*The House then formed itself into a Committee to search for Precedents.*

Mr. Pitt said, from the report which had been read to the House, they were informed of the melancholy and distressed situation in which his Majesty was at this moment; he should vote against the printing of this report, whatever satisfaction it might afford the country at large, were it to be productive of delay; but he conceived this was not the case. At the same time the report afforded some consolation, and hoped that his Majesty would yet see happier days; but although this was the unanimous wish of the nation at large, yet he believed they must still feel to what inconvenience the nation had already been subjected, from the length of time his Majesty had been indisposed. It was their duty, he said, though they ought to proceed with the most respectful and heartfelt regret for the necessity that came upon them, to lose no time in taking those intermediate steps that are requisite for preserving the interests and safety of the kingdom; so that his Majesty, when the happy moment of his recovery arrived, might have the satisfaction of seeing that his people, whom he has long loved and protected, had suffered as little as possible. He said, they would also feel this to be a point which touched the interests of the Sovereign;

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an enquiry which affected the interests of the people, and involved in it whatever was most important in the fundamental principles of our free constitution : for this reason they ought to proceed with all the caution and deliberation that was consistent with the dispatch of business ; they should be fully sensible of the weight and importance of the subject, and have the fullest knowledge of the practice of their ancestors, and of the history of past ages on similar occasions. All this ought to be done before they proceeded to business. He in the mean time thought it would be proper to search for precedents, and see what line Parliament had observed on similar occasions. This was a measure so natural and fit at the present moment, that he should take it for granted, no opposition would be made to it. On the one hand, as every enquiry was to be made, which was necessary for conducting their proceedings with a proper degree of solemnity, and the fullest information, so on the other, no time was to be lost in unnecessary discussions. He hoped their enquiries might be made before the end of the week. Mr. Pitt concluded with moving “ that a Committee should be appointed to search for precedents, and to lay before the House, what proceedings had been had, when the Royal authority had been prevented or interrupted by infancy or sickness.”

Mr. Fox



Mr. *Fox* rose next, and said it was their duty to lose no time: the exigencies of the moment required that they should proceed with the utmost dispatch. They were so pressed in point of time, that he, for one, should have dispensed with this motion, though he did not mean to oppose it. He conceived there was not a single precedent that could bear in the present case.

The situation of affairs at present, was different from what they had been in any instance that occurred in the history of this country. An Heir Apparent of the Crown, arrived at full capacity, unexceptionable in every respect, and fit to exercise the sovereign power. He said, some, perhaps, might suspect and think the account of the Privy Council respecting the state of his Majesty's health was not authentic, and that this was the first time when a proper and satisfactory account had been given by the physicians, touching the present state of his Majesty, and shewing that he was incapable of performing the duties of his high station. He was sure it was material, that as little time should be lost as possible; this was not a matter for the deliberation of the two Houses. His Royal Highness the Prince of Wales *had as EXPRESS, as CLEAR, and as PERFECT a RIGHT to exercise the sovereign power of this kingdom for his Majesty, during the time Providence was pleased to afflict him with this disorder, as he would have upon the DEMISE of the*  
KING.



KING. He stated this as his opinion, which was founded in every analogy, and in every reasoning from the history and spirit of our constitution. With this opinion in his mind, Gentlemen must see he must think a short space of time was sufficient to search for precedents. He said the throne of this kingdom was not hereditary, according to the old exploded notions of indefeasible right and dominion; and the present Royal Family, under whom this country had so much flourished, were called to the throne of these kingdoms, and their authority and government supported, subject to certain limitations of Parliament. He said, all their proceedings and measures ought to carry the idea of solemnity, and of deliberation, in so far as these were consistent with dispatch. He took it for granted, in searching for precedents, they would shew the House fully what had been the conduct of Parliament, in cases that had any similarity to the present.

With respect to the report of the Physicians touching the present state of his Majesty's health, he thought three things might be collected from that report: 1st, That his Majesty was at present completely incapable of executing the office of a King. 2dly, That there was a great probability he would recover, and be again fit to govern this country. And that, 3dly, With respect to the time of his recovery, his Physicians could give them no information whatever. This he

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thought

thought was a fair representation of the report : he said he should trouble the House no farther on this business ; he had taken this opportunity of expressing his sentiments upon this subject, which were agreeable to the sentiments of many other gentlemen.

Mr. *Pitt* rose and observed, that the Right Honourable Gentleman did not object to the enquiry into precedents ; whatever fault he had found with some of the Right Honourable Gentleman's measures, he had always entertained the highest opinion of his discernment and abilities on constitutional questions, and of his extensive knowledge of the history and laws of his country ; but what the Right Hon. Gentleman had said on this great constitutional point, was TREASON to the constitution, and a direct *infringement* of one of the most important rights of Parliament.— This business certainly required the most mature deliberation ; and from what had now been said, there was an additional reason to search for precedents, and to know what the constitution was. They could not reason so well on this point, without seeing what had been the conduct and deliberate opinion of Parliament. The Right Honourable Gentleman conceived there was no necessity to search for precedents, and that the claim which the Prince of Wales had to the office of Sole Regent, superseded all deliberation. Mr. Pitt said, the question of right and discretion were

were perfectly different, and wished them to be kept separate. He begged leave directly to contradict the doctrine which had been advanced by the Right Honourable Gentleman; he contended, that unless the two Houses were desirous to vest the Prince of Wales with the whole, or with any part of the royal authority, during his Majesty's illness, in point of *strict right*, his Royal Highness had no other right to it than any other individual, as a trust both for the Nation and the Sovereign; and the result of this Committee would be, to prove the truth of this assertion.—This question was not to be discussed without the fullest and most solemn enquiry into the practice of our ancestors, and of the history of past ages, compared with the genius of our constitution, which would be found wise and just. Let it not be said this was done with a view to delay—let every man in this House, let every man in the Nation, attend to what has passed this day. If any thing can be more important than the interest of our Sovereign, it is the interests of the nation, the interests of the constitution, and to prevent an annihilation of the powers and sacred rights of Parliament.

Mr. Fox rose and explained. He said, he did not believe the Right Honourable Gentleman had misunderstood him. He was not an advocate for divine indefeasible right. It was a right of Parliament undoubtedly, as consisting of



King, Lords, and Commons, to make any alteration in the state of the government and laws of this country. He said he was not speaking *treason* in advancing this proposition; it would be treason to say the contrary; for two Houses of Parliament could make no law whatever. If he declared that the two Houses could make a law, his Majesty's Attorney-General would do his duty in prosecuting him, and he should incur all the penalties of a *premunire*. The two Houses of Parliament had no right to make a law, and consequently, had no power to name, appoint, elect, or to limit or regulate the executive government of the country. He said, he would repeat his treasonable language. It was his opinion, that on the civil death of the King, whether it be for a time, or unlimited, the Heir Apparent had a right, in the name of the King, to administer for him; the Right Honourable Gentleman, said Mr. Fox, speaks of a Parliament—Are we a Parliament at this moment? I have heard of conventions which have been useful, which have been glorious, and to whom we owe every thing that is most valuable. I know of no Parliament that is not held under a King, or by the commission of a King. We are not a Parliament till the third branch of the legislature is restored, which at present is wanting; till then we can do nothing that has the force of law. The House of Lords and Commons had a right to



to do one thing,—to restore the third branch of the legislature, and that by appointing the Prince of Wales for the purpose. He did not say the two Houses should take advantage of the calamity that had happened. The two Houses had no right to arrogate to themselves any share of the executive government of this country.

Mr. *Pitt* replied, and said, when the third branch of the legislature was defective by sickness, it only remained with the other two branches of the legislature to step in, and to supply that defect, in a manner that was most for the interest of the nation.

Mr. *Burke* said, he agreed with the Right Honourable Gentlemen, that this was a question of importance; but if ever there was a time for moderation, and a government of the passions, it was the present; they were reduced to the most humiliating of all circumstances, by the indisposition of his Majesty. In such a case, they ought to use the capacity Providence had given them with coolness and moderation, in guiding their counsels. [Although Mr. *Burke* recommended coolness to others, he was uncommonly warm himself.] He represented Mr. *Pitt* as one of the Prince of Wales's competitors, and was called to order, but explained his meaning. He said Mr. *Pitt* had contended, that the Prince had no better right to the *sole* Office of Regent than any other man in the kingdom, and to advance the contra-

ry was high treason : and therefore Mr. Pitt, or any other man, might become a competitor, according to this view of the matter.

Mr. *Pitt* replied, and said, as far as his recollection went, he had not used a single word which he conceived to be improper. He said he was determined to adhere firmly to this opinion, which he had not taken up inconsiderately, but upon the fullest and most mature deliberation.— He accused Mr. Burke of indecency, in making him a competitor with the Prince of Wales. He said, Mr. Somers had long ago said to the House, that no man could exercise the Royal Authority, but by the discretion of the Lords and Commons of England, and yet no man had accused him of being a competitor with William III.

The question was then called for, when a Committee of twenty one persons were named by the Speaker, for the purpose of searching for precedents, who were the same as those appointed to enquire into the state of the King's health, except Mr. Fox and Lord North, for whom Mr. Burke and Mr. Welbore Ellis were substituted.

After the Committee was appointed,

Mr. *Pitt* said, he thought the Committee might search for precedents against Friday next, to which time he proposed the House should adjourn ; and that on Tuesday or Friday, they should be able to proceed to business.

The House adjourned.

FRIDAY,

FRIDAY. DECEMBER 12, 1788.

When the Speaker had taken the chair,

Mr. *Welbore Ellis* appeared at the bar, with the Report of the Committee appointed “ to  
“ examine, search for, and report precedents of  
“ such proceedings, as may have been had in case  
“ of the personal exercise of the Royal Autho-  
“ rity being prevented, or interrupted, by infan-  
“ cy, sickness, infirmity, or otherwise, with a view  
“ to provide for the same.” He was ordered to bring up the Report, the title of which being read,

Mr. Chancellor *Pitt* moved, “ That the said  
“ Report do lie on the table.” This having been agreed to,

It was moved that the Report be printed.

Mr. *Pitt* then observed, that most probably it would prove requisite to allow a convenient time for the House to consider the contents of the Report, and examine and weigh their application and force, before they came to any proceeding upon it ; Tuesday, therefore, he hoped, would be a day agreeable to the House for the Committee whom he had named to sit; and with a view the better to enable gentlemen to make themselves masters of the contents of the Report, he took that opportunity of informing the House, that all the precedents contained in the Report

were either taken from the Rolls of Parliament, the Statute Books of the Realm, or their own journals. A schedule \* of the whole, with references, was annexed to the Report, which, at least, he

\* *The following are all the references to the Extracts from the Rolls of Parliament, and other Papers, read at the Committee appointed to examine and report Precedents of such Proceedings as may have been had in the case of the Personal Exercise of the Royal Authority being prevented or interrupted by Infancy, Sicknefs, Infirmitie, or otherwise, with a view to provide a Remedy for the same; on Thursday the 11th of December.*

- |                |           |                  |                                 |
|----------------|-----------|------------------|---------------------------------|
| 4, 5, 6,       | Edw. III. | Vol. ii. p. 52,  | Two first Paragraphs:           |
| 1              | R. II.    | Vol. iii. p. 5,  | Sec. 15 to 27, both inclusive.  |
| 1              | H. VI.    | Vol. iv. p. 169, | Sec. 1, 11, 12, 13, 14, 15, 16, |
|                |           |                  | and 24 to 33, both inclusive.   |
| 2              | H. VI.    | Vol. iv. p. 201, | Sec. 15.                        |
| 3              | H. VI.    | Vol. v. p. 406,  | Sec. 5.                         |
| 5              | H. VI.    | Vol. v. p. 407,  | Sec. 6.                         |
|                |           | 409,             | Sec. 7.                         |
| 6              | H. VI.    | Vol. iv. p. 326, | Sec. 24, 25.                    |
| 8              | H. VI.    | Vol. iv. p. 336, | Sec. 13.                        |
| 10             | H. VI.    | Vol. v. p. 433,  | Sec. 16.                        |
| 13             | H. VI.    | Vol. v. p. 438,  | Sec. 22.                        |
| 32             | H. VI.    | Vol. v. p. 238,  | Sec. 22, 23, 24, and 30 to 40,  |
|                |           |                  | both inclusive.                 |
| 33             | H. VI.    | Vol. . p. 284,   | Sec. 30 to 39, both inclusive.  |
| 34             | H. VI.    | Vol. v. p. 253,  | Sec. 41, 42, 43.                |
| D <sup>o</sup> | - -       | Vol. v. p. 289,  | Sec. 40, 41.                    |
| D <sup>o</sup> | - -       | Vol. v. p. 321,  | Sec. 50.                        |
- Aët 25 H. VIII. Chap. 22, Sec. 11.
- Aët 1 and 2 Philip and Mary, C 10.
- Aët 24 G. II. C. 24.
- Aët 5 G. III. C. 27.



he hoped, might be ready for separate delivery so early as the next morning, and such gentlemen as had the books in their possession, might thereby be enabled to refer to them immediately, and proceed to an enquiry into the doctrines contained in that Report, without waiting for the delivery of the printed copy. Mr. Pitt now moved,

“ That this House will, on Tuesday next, resolve itself into a Committee of the whole House, to take into consideration the state of the nation.”

The question having been put from the chair, Mr. *Fox* remarked, that two particular purposes were his sole motives for rising on the present occasion; and these, he felt it incumbent upon him to lose no time in laying before the House, the more especially as they had reference to what had passed upon the subject that did then engage, and had for some days past engaged their most serious attention. The first purpose was what he never rose for before, since he had been a Member of that House. No Member was more indifferent to newspaper paragraphs, reports, and representations, than he was; he never scarcely looked into any of their accounts of what he said in that House, without finding some part of his speech misrepresented, but he had thought it beneath him to take any notice of it himself, trusting, that if he had expressed himself clearly, the

candour of that House, and the recollection of those who heard him, would do him justice.—What he rose then to complain of, was a very different matter. There had, he said, been representations, or misrepresentations, not in newspapers, not in pamphlets, not in coffee-houses, but there had been misrepresentations of what he had said in that House on Wednesday last, publicly made, before a public and august assembly, by a grave person in high authority, and of dignified rank. He desired mankind to judge him and his opinions, from the sense of those opinions, and his meaning as explained at the time. The first point, from which he must exculpate himself, was, the supposition of having spoken from the authority of any Person whatever, much less from the authority of his Royal Highness the Prince of Wales. He had spoken merely of himself, and delivered his opinion, as an individual Member of Parliament. In that private capacity, and without the Prince of Wales's authority, he had freely delivered his opinion, and the opinion he had stated, and meant to state, was, that from the moment the two Houses of Parliament declared the King unable to exercise the Royal Sovereignty, from that moment, a right to exercise the Royal Authority attached to the Prince of Wales. But he must state what that right was, that so attached; and he would trust to the recollection of gentlemen, whether he had not so explained it, when he had last occasion to speak

speak upon the subject. A new term had been put into his mouth in another place, which he had not used ; it had been said, that he had declared, “ the Prince of Wales had a right to assume the Royal Authority, upon the interruption of its personal exercise, in consequence of the King’s illness and incapacity.” What he meant was this : he conceived the exercise of the Royal authority to be the right, under such circumstances, of the Prince of Wales ; but he had spoken of it as a right, and not the possession ; before the Prince could exercise that right, he must appeal to the Court competent to decide, whether it belonged to him or not, or must wait till that Court, on the part of itself, made such declaration. That Court was composed of the two Houses of Parliament, while they were sitting ; the Prince had the right, but the adjudication of that right belonged to the two Houses. That House could legislate and provide such measures as it deemed advisable for the public interest ; when they individually gave their votes for such persons whom they thought most fit to represent them in Parliament, they made their election of their representative ; but when they sat in a Committee above stairs, to try whether A. or B. was entitled to a seat as representative of such or such a borough ; they sat as judges, and their report was an adjudication of the right of A. or B. If gentlemen would recollect his manner of treating this subject, on the preceding day, they would,



would, he hoped, in justice admit, that the meaning, which he had now explained, was precisely that which his words, on a former occasion, had then been calculated to convey; and that he neither talked of the usurpation of the two Houses, nor suggested a single idea to warrant the imputing to him any intention of that sort, or any thing like it. Let it be recollected where he was speaking, and to whom he was addressing himself; to the House of Commons; one of the constituent parts of the very Court that was to make the adjudication of the Prince's right. Let it be recollected likewise, whether the rest of his argument, both in his speech and his reply, did not go expressly to the nature of the Prince's right, as he had now defined it. He had, in terms the most explicit and unequivocal, asserted it as his opinion, that when that and the other House of Parliament declared his Majesty incapable of exercising the Royal Authority, that was the precise period of time when the Prince's right attached, and when that House ought not to delay in restoring the Royal Authority. Had he not said, that the same principles that made the Crown hereditary, made the executive power, and the government of the country, hereditary likewise? Upon that ground it was, that he had argued as he had done; and this he conceived to be the nature of the Prince of Wales's right. Having thus explained his mean-

ing,



ing, he was free to acknowledge, that more differences of opinion prevailed respecting the right of the Prince of Wales to exercise the Royal Authority, under the circumstances so often stated, than he could have expected; but much of that difference of opinion appeared to arise from some nice, logical, and legal distinctions, taken between the terms *right* and *claim*; distinctions more equivocal in his mind, than solid and substantial, and which were rested on arguments and principles, which he confessed his understanding was too dull to comprehend. One idea which he had learnt was, that it was admitted that the Prince of Wales had an irresistible claim, which the Parliament could not reject or refuse, whenever it was made, without forfeiting their duty to the Constitution. To that idea, he, for one, had no objection, because he knew no difference between an irresistible claim, and an inherent right. In another place, the right of the Prince of Wales had been deeply investigated into, and that by enquirers, every way equal to the discussion, who all gave their sanction and authority to his opinion. If the Prince of Wales had asked his advice how to proceed, he should have told him, as Parliament was sitting, that he thought his Royal Highness might have sent a message to either House, or to both Houses of Parliament, stating his claim, and calling upon them to decide upon it. But, as he had said on a former day, His

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Royal Highness's forbearance was such, that he would send his claim to neither House of Parliament; but would wait patiently, and with due deference, being conscious that the two Houses ought to find that claim, and restore the Royal Authority.

Mr. Fox declared, that he could not help thinking, that the conduct of his Royal Highness deserved the commendation he had bestowed on it, and was entitled to universal applause. For his own part, he could assert, that he had entertained sanguine hopes, that, in the adjustment of a business of so very delicate and important a nature, men of every description would have concurred in one leading and essential circumstance, and have allowed, that let there exist what doubt there might of the Prince of Wales's right to exercise the Royal Authority, under the present circumstances of the country, there could be none of the propriety of investing him with the sole administration of the government, and with the unlimited exercise of all the Regal functions, powers, and prerogatives. He had not yet abandoned these hopes altogether. An earnest desire to rescue himself from the effect of misrepresentation, in a particular, respecting which, he should have been extremely sorry to have been misunderstood, had induced him to rise, for the purpose of addressing the House; and, upon this occasion, it would prove difficult  
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to describe the fervour of his wishes to render, if possible, by all the means in his power, the future proceedings of the House less difficult than they otherwise might become. The Right Honourable Gentleman, he observed, had named an early day for the House to resolve itself into a Committee of the whole House, to take into consideration the State of the Nation; he did not mean by an early day, a day too early. He had before declared, that after the authentication of the King's incapacity, the House ought not to lose any time in restoring the Royal Authority; but, surely, it could not prove a matter of indifference whether the House should or should not be enabled to know what sort of proposition it was that the Right Honourable Gentleman meant to come forward with on Tuesday next, in order that they might turn it in their minds, and enter prepared to discuss it, with some degree of knowledge of its propriety and expediency. He wished the Right Honourable Gentleman not to regard him as hostile on the present occasion. He knew it was so usual for the House to see the Right Honourable Gentleman and himself acting in an hostile point of view towards each other, that it was difficult to consider them in any other light; but what he now suggested, was devoid of any party consideration whatever. If the Right Honourable Gentleman did not feel the proposition that he had made as he did, he could only lament that

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that he did not. He should hope, however, that the Right Honourable Gentleman might not think it unfit to give the House some general outline of what he meant to state to the Committee on Tuesday next, that gentlemen might not then be puzzled with the novelty of the proposition, and embarrassed how to vote. He was inclined to hope, that, as to essential points, the difference between the Right Honourable Gentleman and himself was extremely minute; an advantage, therefore, would result from a communication of the intended proposition; the opinions of weighty men upon it might be ascertained, and thence it might be seen whether arrangements might not be made to reconcile difference on small points, in order that the question, whatever it might be, might not be carried by a division, or majority of the House, but that it might be carried with perfect unanimity. What some conceived a right in the Prince of Wales, others might deem at the disposal of the two Houses of Parliament; but that was a difference of opinion of no material import to the main consideration of the act they were to do, and which they must proceed to in some shape or other. When the thing itself was decided, it would remain to determine by what mode to notify it. He conceived, there could be but two regular methods; one by a declaration, the other  
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by an address, or perhaps both conjointly by the two Houses.

His opinion was, to declare his Royal Highness Regent, for the purposes of exercising all the Regal powers, in the same manner, and to the same extent, as they might have been exercised by his Majesty, had his health been such as to render him capable of continuing to exercise the Royal Authority. That was his opinion, and the House would see it was a plain, simple, intelligible proposition. If the Right Honourable Gentleman's proposition came near his, something ought to be sacrificed to unanimity, and he should be ready to give up, on his part, in proportion as the Right Honourable Gentleman would express the same willingness to accommodate. Though it was abundantly more desirable to carry a question of such infinite magnitude, by the universal and unanimous consent of the House, than by a majority, yet, if the Right Honourable Gentleman's opinion differed widely from his, so widely, that there was no chance of reconciling the one to the other, he should be reduced to the necessity of dividing, and thus discovering which gained the majority. He declared he should be willing to sacrifice much for the purpose of giving occasion to unanimity, because he thought it above all things desirable. In the great point there could be no difference of opinion. They must all agree that it was, in

the first instance, their business to set up something for the Regal Power ; and who would they set up but the Prince of Wales, who certainly had the first interest in the welfare of the kingdom, his Majesty alone excepted ? He urged the right of the Prince as an abstract point, and as such, the stating it was, in his opinion, a powerful argument. But what signified differences upon abstract points, where the substance was indisputable. In short, all he wished was, that the House might know what they were to expect in that particular, and not come altogether unprepared to meet it, when the proposition should be regularly made.

*Mr. Chancellor Pitt* rising next, begged leave to remind the House, that they had just received a voluminous report from the Committee, appointed to search for precedents, in order that gentlemen might have every information before them, to guide their proceedings, under the present arduous and singular situation of the country, that the wisdom of their ancestors, the statutes of the Realm, and the records of Parliament could afford ; and he had moved to refer that report, together with the examination of his Majesty's Physicians, to the Committee of the whole House, who were to take the state of the Nation into their consideration upon the ensuing Tuesday. In that Committee, the topics touched on by the Right Honourable Gentleman would  
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necessarily undergo an ample discussion. In their last debate on the subject, there appeared to be a point at issue between the Right Honourable Gentleman and himself; and, from all that the Right Honourable Gentleman had then said, it still appeared to be no less at issue than before. The Right Honourable Gentleman explained, as he thought proper, the meaning of a very essential part of his speech on the preceding Wednesday. Mr. Pitt said, that he should be sorry to fix on any gentleman a meaning which he afterwards declared not to have been his meaning.—In whatever way, therefore, he had before understood the Right Honourable Gentleman's words relative to the Prince's forbearing to assert his claim, he was willing to take the matter from the Right Honourable Gentleman's present explanation, and to meet it upon those grounds where he had then, after mature deliberation, thought fit to place it. The Right Honourable Gentleman now asserted, that the Prince of Wales had a right to exercise the Royal Authority, under the present circumstances of the country, but that it was as a right not in possession, until the Prince could exercise it, on what the Right Honourable Gentleman called the adjudication of Parliament. He, on his part, denied that the Prince of Wales had any right whatever, and upon that point the Right Honourable Gentleman and he were still at issue; an issue, that, in



his opinion, must be decided before they proceeded one step farther in the great and important considerations to be discussed and determined. Concerning one part of the Right Honourable Gentleman's speech, it was impossible for him to remain silent, as the Right Honourable Gentleman's ideas on that point had not appeared to him to be quite accurate and distinct. He seemed to have intended to have renounced all idea of the Prince of Wales's right to assume the exercise of the Royal authority, under the present or similar circumstances, without the previous adjudication of Parliament, or of the two Houses; but if he understood the Right Honourable Gentleman correctly, he had used the words, "during the sitting of Parliament;" the plain inference from which expression was, that if Parliament were not sitting, the Prince of Wales could assume the exercise of the Regal Authority. Mr. Pitt declared, that he thought the Prince of Wales could, in no one case, have power to assume the right. If there were no Parliament in existence, he granted, that the Heir Apparent, acting in concert with other persons in great situations, might, under such circumstances as the present, have issued writs, and convened the two Houses, for the purpose of providing for the exigency. Such a proceeding would be justified by the necessity of the case, and with a view to the safety of the Nation, which superseded all forms; but, that it would be a legal  
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and formal summons of the Parliament, or that a Parliament could be called together, without legal authority, he must absolutely deny. Such a meeting would be a Convention, like to that assembled at the time of the abdication of James the Second, and on other periods of difficulty ; but it could not be a legal and formal calling together of a Parliament. With regard to the question of the Prince of Wales's right of assuming the power, during the intermission of Parliament, and his right not in possession, as it was called, during the sitting of Parliament, he need not rest much upon the distinction, denying, as he did, that any right to assume the Regal Authority, under any circumstances, independent of the consent and approbation of Parliament, existed in the Prince of Wales. But, supposing the right of assumption of royalty given up altogether, and that the Prince must have the right adjudged by Parliament, he denied that they were canvassing a right, and acting as judges, as the sentiments of the Right Honourable Gentleman so manifestly intimated. It was subversive of the principles of the constitution to admit, that the Prince of Wales might seat himself on the throne during the life-time of his father ; and the intimation of the existence of such a right, as he had remarked on a former occasion, presented a question of greater magnitude and importance even than the present exi-

gency, and the provision that it necessarily required; a question that involved in it the principles of the Constitution, the protection and security of our liberties, and the safety of the State! Whatever, therefore, might be the order of their proceeding, he hoped there would be an unanimous concurrence of opinion, that it was impossible to let the question of right, which had been started, undergo admission, without its being fully discussed and decided. It was a question that shook the foundation of the Constitution, and upon the decision of which, all that was dear to us, as Britons, depended. In his opinion, therefore, it was their first duty to decide, whether there were any right in the Prince of Wales to claim the exercise of the Regal power, under any circumstances of the country, independent of the actual demise of the Crown. In the discussion of the powers with which the Regent was to be invested, there might be differences of opinion, whether the whole of the Royal prerogatives should be delegated, on the grounds of expediency: there might be differences of opinion, whether a portion only of the Royal authority should be delegated, and a part reserved, on the grounds of prudence and discretion. These were important topics, which they could not discuss, unless they first knew, whether they were sitting as Judges, or as a House of Parliament, possessing a power of de-  
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liberation, and capable of exercising a constitutional discretion. They must first ascertain, whether that which should be vested in the hands of the Prince of Wales, was matter of adjudication on their part, of right in his Royal Highness, or as a trust in behalf and in the name of His Majesty; and therefore, he should think it his duty to bring forward the question of right, as a preliminary question. If that question should be decided in the affirmative, there would be no need of specific measures. Should it, however, be determined upon a contrary ground, the way would become cleared, and the House would know how to proceed. He had, indeed, mentioned the alternative, but, Heaven forbid, that the fatal alternative should be decided in favour of the intimated right of the Prince of Wales! Mr. Chancellor Pitt next took notice of the call which Mr. Fox had made upon him, relative to the future propositions to be brought forward by him in the Committee which had been moved for, to take into consideration the State of the Nation. He said, that if the question of right should be decided, as he thought it would, upon constitutional principles, he should, in that case, certainly proceed to propose measures for providing for the interruption of the Royal authority, occasioned by his Majesty's present incapacity to exercise it; and as he was always happy when he could concur with the



requisition of the Right Honourable Gentleman, he would state the outline, without feeling any prejudice to the person who had called for it; but, he begged to have it understood, that what he was about to state, was not to be a matter of debate at that moment, nor were any arguments then to be raised upon it. He proceeded to declare, that however decided he might be in his opinion against the whole, or any part, of the Regal power being vested in the Prince of Wales, as a matter of *right*, in any way which that right had been explained, he was equally ready to say, that, as a matter of *discretion*, and on the ground of *expediency*, it was, in his opinion, highly desirable, that whatever part of the Regal power it was necessary should be exercised at all, during this unhappy interval, should be vested in a single person, and that this person should be the Prince of Wales. That he also thought it most consistent with true constitutional principles, and most for the publick convenience, that his Royal Highness should exercise that portion of authority, whatever it might be, unfettered by any permanent Council, and with the free choice of his political servants. With regard to the portion of Royal authority which ought to be given, or that which ought to be withholden, it would be premature, in this stage, to enter into the particular discussion of it; but he had no objection, even now, to declare in general, that whatever authority was  
necessary



neceſſary for carrying on the publick buſineſs, with vigour and diſpatch, and for providing, during this interval, for the ſafety and intereſts of the country, ought to be given; but on the other hand, any authority, not neceſſary for thoſe purpoſes, and capable of being, by poſſibility, employed in any way which might tend to embarraſs the exerciſe of the King's lawful authority, when he ſhould be enabled to reſume it into his own hands, ought to be withholden; becauſe, from its being given, more inconvenience might ariſe to the future intereſts both of the people and of the Crown, than any which could ariſe, in the mean time, from its temporary ſuſpenſion.

Mr. Pitt added, that he could juſtify the principles of this explicit declaration of his intention, on the ground, that whatever was given to the Regent, or withholden, ought to be given, or withholden, with a view to the moment when his Maſteſty ſhould be capable of reſuming his rightful prerogatives; a circumſtance to which it peculiarly became him to look, in the ſituation in which he ſtood, honoured with the confidence of a Sovereign to whom he was bound, and ſtrongly attached, by the ties of gratitude and duty—but of that he would ſay no more. Whatever judgment might be formed of what he had declared, he was conſcious of having given a free and an honeſt opinion, and was ſatiſfied with that conſciouſneſs. He conceived, that it could not be thought  
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necessary for him to go any farther into the subject, as the adjustment of the whole proceeding must rest with the Committee on the State of the Nation, where it would be necessary to come forward with the different propositions separately, and to proceed, step by step, to mark and define, by distinct resolutions, what parts of the Royal prerogative should be given to the Regent, and what withholden.

Mr. Fox answered, that he was ready to admit that the Right Hon. Gentleman had nearly stated every point which he had desired, and indeed full as much as he either did, or had any right to expect from him, and that with an extreme candour. The Right Honourable Gentleman had made a distinction between the right of the Prince of Wales, while Parliament was sitting, and his right while Parliament was not sitting, and had asked what would have been the Prince's conduct under the the latter circumstance? In that case, (Mr. Fox said) he supposed the Prince would have done what the right honourable gentleman had stated might have been done; he would have convened the two Houses of Parliament, and referred to that convention, the consideration of the State of the Nation, and expected when they declared the incapacity of the King, that they would have also declared his right to the Regency. Some words had slipped into the right honourable gentleman's speech which seemed to insinuate, that he had put the Regency in a point of view very different from that in which

he had placed it. The Right Honourable Gentleman had remarked, the House was to decide whether it was a right or a trust. When he (Mr. Fox) had stated that the Prince of Wales had a right to exercise the royal authority, he most undoubtedly meant to exercise it as a trust from the people, which Parliament might resume, alter, and modify just as it thought proper. If that trust were abused essentially, the people of England might resume it without the Parliament, as had been done in the case of the Revolution. The Regency was a trust, on behalf of the people, for which the Prince was responsible, in like manner as his Majesty, and every Monarch that ever sat upon the throne, were responsible for the due execution of their high office. Sovereignty was a trust depending on the natural liberties of mankind. But, his notions on Revolution doctrines had been so often stated, and were, he conceived, so well known in that House, that he scarcely supposed it would be imputed to him, that he meant to deny that the Regency was a trust; far from it; he had upon that ground urged the Prince's right to be hereditary, conceiving an hereditary succession the best security to the people, for the due discharge and faithful execution of the important trust vested by them in their Governors. Mr. Fox took notice of the abstract question of right, which, he observed, the Right Honourable Gentleman had declared he would bring forward in  
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the Committee on the State of the Nation; and Mr. Fox added, that until he saw the words of the proposition, it was impossible for him to speak to it. It might be a proposition, which the Committee would affirm; it might be a proposition which the Committee would neither affirm nor deny, but wave the consideration of. With regard to the steps which the right honourable gentleman had said he would take in the Committee, there might be objections offered to his intended mode of proceeding, and he would state what those objections were, without arguing upon any of them. The right honourable gentleman had said, to whom the powers of the Royal authority should be entrusted; and after having resolved that, he had declared, that only a portion of those powers should be given. A question might arise between those two steps; upon a debate whether there should be a portion or the whole of the Royal authority vested in the Regent. Mr. Fox considered this in two different points of view, as a question of right, and as a question of expediency. He doubted whether the plan of proceeding step by step could legally be pursued; and whether, allowing for the moment, that the Prince of Wales had no right, the two Houses of Parliament could propose an act of legislation. He doubted also, whether they must not necessarily, in the first instance, set up something for a King, to give his consent to the proposed defalcation of Royal authority, whatever it might be. Restoring  
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the Royal authority, seemed to him to be clearly the first step that must be taken, and he conceived that the two Houses could not bargain with the Regent beforehand, for the diminution of regal power. He professed that he saw no sort of necessity for coming to a division on an abstract proposition, when they had measures of so much solidity and substance to take; where the portion of power that must be withheld was so little, the stating an abstract proposition was, in his mind, useless; he thought it, therefore, much better to wave it, and for both Houses to convince men by their acts, and not by abstract resolutions. The Right Honourable Gentleman's intentions (he observed) were plain and manifest; and he had, on his part, expressly stated his opinion on the subject, which was to invest his Royal Highness with the whole, not a portion, of the Royal powers. Both sides of the House were therefore sufficiently understood, and the question consequently would be, whether it was expedient to make the Prince of Wales Regent, or a Parliamentary Regent, and thus give a situation and create a power, hitherto unknown to our Constitution, by placing a person in the situation of the King without Regal powers.

Mr. *Sheridan* observed, that he rose merely to prevent any conclusion being drawn from his silence, that he concurred in the propriety or expediency of putting the abstract proposition in the right of the  
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Prince of Wales. He, for one, felt it his duty to contend against the discussion of any such proposition, declaring that it was neither likely to maintain and secure the promotion of the good or of the peace of the public. It could not conciliate, but, on the contrary, it might create dissensions and animosities, and therefore, he contended that it would be extremely unwise, as it was obviously unnecessary, to agitate it, or press the House to come to any vote upon it. He begged leave to remind the Right Honourable Gentleman of the danger of provoking that claim to be asserted, [a loud cry of Hear! Hear!] which, he observed, had not yet been preferred. [Another cry of Hear! Hear!] He repeated his words, and asked, would the Right Honourable Gentleman chuse to have his own proposition put upon the Journals, to have it recorded as his opinion, That the Prince of Wales had no more right to exercise the Royal authority during the incapacity of the King, than any other individual subject. If he would not, why would he press an abstract proposition, that must throw the nation into anarchy and confusion? Mr. Sheridan observed, that he felt so absolute a conviction, that he was sure no man, who was not actuated by a spirit of dissension, would propose it.

Mr. Chancellor *Pitt* declared, that he could not avoid rising to animadvert upon the manner in which the Honourable Gentleman had thought proper to treat what had fallen from him in compliance with

with the request of the Right Honourable Gentleman (Mr. Fox). The Honourable Gentleman had chosen rather indiscreetly, and with a degree of warmth altogether uncalled for, to enter into a discussion of the propriety of bringing forward a proposition not then before the House, but which would come regularly under discussion upon a future day. It was evident there were but two opinions on the question that had been hitherto agitated, touching the present exigency, in consequence of His Majesty's incapacity to exercise the Royal authority; the one, that they were to deliberate on one of the most interesting points that ever came before a House of Parliament; the other, that they were to proceed to an adjudication of one of the most important rights that ever was claimed. In the discussion of these opinions, the House, he trusted, would do their duty in spite of any threat, however high the authority from which it might proceed.

The question was soon after put, and agreed to.

It was then moved,

“ That the Report from the Committee appointed to examine His Majesty's physicians; also,

“ The Report of the Members of His Majesty's most honourable Privy Council; and also

The Report from the Committee appointed to search for precedents, be referred to the said Committee.”

Which were agreed to; and the House adjourned.



TUESDAY, 16th December.

Mr. Chancellor *Pitt*, moved, “ That the order “ of the day for the House to resolve itself into a “ Committee, on the Consideration of the State “ of the Nation, be read;” which being done accordingly, together with the order for referring the Report of the Committee appointed to take and report the examinations of the King’s physicians, and the Report of the Committee appointed to search for, examine, and report precedents, to the said Committee; he next moved, “ That the Speaker do now leave the chair;” which having been agreed to, Mr. *Brook Watson* took his seat at the table.

Mr. Chancellor *Pitt* now rose, and, having premised, that the House were then in a Committee to take into consideration the State of the Nation, under circumstances the most calamitous which had befallen the country at any period, remarked, that it was then a century ago since any point of equal importance had engaged the attention of that House. The circumstance that had then occurred, was the Revolution; between which, however, and the present circumstance, there was a great and essential difference. At that time, the two Houses had to provide for the filling up of a throne, that was vacant by the abdication of James the Second; at present, they had to provide for the exercise of the Royal authority,



thority, when his Majesty's political capacity was whole and entire, and the throne consequently full, although in fact all the various functions of the Executive Government were suspended, but which suspension they had every reason to expect would be but temporary. 'There could not, he said, be but one sentiment upon that head, which was, that the most sanguine of his Majesty's physicians could not effect a cure more speedily, than it was the anxious wish of every man in that House, and every description of His Majesty's subjects; that his cure might be effected, and that he might thence be enabled again to resume the exercise of his own authority: During the temporary continuance, however, of His Majesty's malady, it was their indispensable duty to provide for the deficiency in the Legislature, in order that a due regard might be had to the safety of the Crown, and to the interests of the people. The first Report before the Committee established the melancholy fact, that had rendered their deliberations necessary; the second contained a collection of such precedents, selected from the history of former times, as were in any degree analogous to the present unfortunate situation of the country; and, although he would not undertake to say that still more precedents might not have been found, yet, such as the Report contained, would serve to throw a considerable degree of

light on the subject, and point out to the House the mode of proceeding most proper to be adopted. Notwithstanding the magnitude of the question, what provision ought to be made for supplying the deficiency, there was a question of a greater and still more important nature, which must be discussed and decided first, as a preliminary to their future transactions, with a view to the present exigency. The question to which he alluded, was, Whether any person had a right, either to assume or to claim the exercise of the Royal authority, during the incapacity and infirmity of the Sovereign; or, whether it was the right of the Lords and Commons of England to provide for the deficiency in the Legislature, resulting from such incapacity? On a former day, he had stated, that in consequence of an assertion having been made in that House, that a right attached to his Royal Highness the Prince of Wales, as Heir Apparent, to exercise Sovereign authority, as soon as the two Houses of Parliament declared His Majesty, from illness and indisposition, incapable of exercising his Royal functions, it appeared to him to be absolutely and indispensably necessary, that the question of right should be first decided by the Committee, before they took a single step to provide for the deficiency of the third estate of the realm. By the assertion of the existence of such a right, no matter whether a right that could  
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be assumed in the first instance, or a right which attached, after the declaration of both Houses of Parliament, that his Majesty was incapable, a doubt had been thrown upon the existence of what he had ever considered as the most sacred and important rights of the two Houses; and it became absolutely necessary for them to decide that doubt, and, by such decision, ascertain whether they had a right to deliberate, or whether their proceedings must be exceedingly short, and they should have only to adjudge, that such a right as had been mentioned was legally vested in his Royal Highness the Prince of Wales. The most embarrassing difficulties had, indeed, been thrown upon their proceedings, by the assertion, that such a claim existed; and although he was free to confess, that the assertion had not been made from any authority, and that they had since heard, though not in that House, that it was not intended that the claim should be made, yet having been once stated, by a very respectable Member of that House, as his opinion, it was an opinion of too much importance to be passed by unnoticed. Mr. Pitt added, that, upon this occasion, he must intreat the House to remember, however, that he had not stirred the question of right *originally*. If, therefore, any serious danger were actually to be dreaded, by its being discussed and decided, that danger and its consequences were solely im-



putable to the first stirrer of the question, and not to him. Had the doubt never been raised, an express declaration on the subject had not been necessary ; but, as the matter stood, such a declaration must be made one way or the other. He begged, however, that it might not be imputed to him, that he was desirous of wasting time in bringing forward any abstract, or speculative, or theoretical question. A abstract question, in his conception of it, was wholly unnecessary, the discussion of which could answer no end, nor could its decision afford any light to guide and assist them in their proceedings. Of a very different nature was the question of right ; it was a question that stood in the way of all subsequent proceedings, the resolving of which must necessarily decide upon the whole of their conduct, with regard to the present important business ; they were not free to deliberate and determine, while the doubt of an existing right or claim hung over their heads ; they could not speak intelligibly, or to any purpose, until they knew their proper characters, and whether they were exercising their own rights for the safety of the Crown, and the interests of the people, or whether they were usurping that which had never belonged to them. On that ground it was that he had declared the question of right not to be an abstract question, a speculative question, or a theoretical question. The first information  
which



which the papers that had been referred to the Committee afforded, was that which he should make the first resolution. It was a resolution of fact, as the ground of those that were designed by him to follow it; a resolution, stating that which the language of all His Majesty's physicians afforded sufficient proof of, that His Majesty was incapable, from illness, of coming to his Parliament, or attending to any publick business; whence arose the interruption of the exercise of the Royal authority. To that resolution of fact, he conceived there could not be any objection. His next resolution would be the resolution of right, couched in part in the words of the Bill of Rights, and stating, "That it was the right and duty of the Lords  
 " Spiritual and Temporal, and of the House  
 " of Commons, as the rightful representatives  
 " of all the estates of the people of England, to  
 " provide for the deficiency in the Legislature,  
 " by the interruption of the exercise of the  
 " Royal authority, in consequence of his Ma-  
 " jesty's incapacity, through indisposition." Here, Mr. Chancellor Pitt renewed his arguments in support of the claim of the two Houses of Parliament; declaring that, under the present circumstances of the country, it was his firm and unalterable opinion, that it was the absolute and undeniable right of the two Houses, on the part of the people, to provide for the revival of the

third estate. He declared, he would state the point at issue between him and the Right Honourable Gentleman opposite to him fairly. He wished not to take any advantage of any shades of difference between them, but to argue upon the solid and substantial difference of their opinions. If he had conceived the Right Honourable Gentleman properly, he had asserted, that, in his opinion, the Prince of Wales, as Heir Apparent, upon the incapacity of the Sovereign, to exercise the Sovereign authority being declared, had as clear, as perfect, and as indisputable a right, to take upon himself the full exercise of all the authorities and prerogatives of his father, as if his Majesty had undergone an actual demise. If it could be proved to exist by any precedents, drawn from history, or founded in law, or by the analogy of the Constitution, he wished to have been told what those precedents were; because, in that case, the ground would be narrowed, and the proceedings of the Committee rendered short and simple, as they would have no power nor occasion to deliberate; the only step they could take, would be to recognize the claim of right. That claim of right, however, he flatly denied to have any existence capable of being sustained by such proof as he had mentioned. The right of providing for the deficiency of the Royal authority, he contended, rested with the two remaining branches of the Legislature.

ture. He professed himself exceedingly happy to hear that a declaration had been made in another place, from high authority, that the right stated by the Right Honourable Gentleman in that House, to have existence, was not meant to be urged by a great personage. He came that day, confirmed in every opinion which he had before stated; and, particularly, confirmed in the opinion, that no such right or claim rested in the Prince of Wales, as Heir Apparent, to exercise the Royal authority, during the incapacity of the Sovereign, could be proved, either from precedents drawn from history, or from the law, or from the spirit of the Constitution. He begged leave to remind the Committee, that when the Right Honourable Gentleman first mentioned the right of the Prince of Wales in this particular, the Right Honourable Gentleman had declared he was willing to wave the motion for a Committee to search for precedents, because that he was persuaded, and the House must allow, that no precedent could be found that bore upon the particular case of a Prince of Wales, the Heir Apparent to the Crown being of full age, and capable of taking on himself the exercise of the Royal authority, under such circumstances as the present. There certainly was no case precisely in point; but, though their Committee above stairs could not



find a case precisely in point, they had furnished the House with many precedents, from from which analogies might be drawn. He called upon the Right Honourable Gentleman opposite to him, to point out a single case analogous to the infancy, infirmity, or illness of a Sovereign, in which the full powers of Sovereignty were exercised by any one person whatever. If the right attached to his Royal Highness, under the present circumstances, in the same manner as on the demise of his father, an Heir Presumptive would succeed as perfectly as an Heir Apparent ; and, in pursuance of that doctrine, those precedents that would attach in the one case, would attach in the other. For precedents that were analogous, he would refer the Committee to the Report on the table. The precedents in which, though they might not throw all the light on the subject that could be wished, certainly tended to elucidate it considerably. He would refer to some of the precedents, and convince gentlemen that their result formed the most undeniable proof, that no such right existed as had been pretended. The first precedent was taken from the reign of Edward the Third, when no Heir Apparent had claimed the exercise of the Royal authority. The Parliament of those days, whether wisely or not, was no question before the Committee, provided a Council about the King's person



person to act for him; a clear proof that they conceived the power existed in them to provide for the exercise of the Royal authority. The next precedent was in the reign of Richard the Second, when Counsellors were also appointed to exercise the Regal Power. The third precedent occurred in the infancy of Henry the Sixth. At that time, the Parliament were called together by the young King's second uncle, the first being still living, but out of the kingdom; and that act was ratified by Parliament, they not considering it sufficient that it was done by the authority of the Duke. In that instance, again, it was clear, that the Regency was carried on by the Parliament. These three instances were the principal of those stated in the Report of their Committee; subsequent precedents would prove, that no one instance could be found of any person's having exercised the Royal Authority, during the infancy of a King, but by the grant of the two Houses of Parliament, excepting only where a previous provision had been made. Having thus far mentioned the power of Parliament, during the infancy of a King, he observed, that he would next state their power during the King's absence; and if, in that case, it should be asserted, that the Heir Apparent had a right to exercise the Royal Authority, let the Committee consider how the assertion would stand.

It had been advanced, that, in the majority of such cases, the power had been given to the Prince of Wales. If such cases could be adduced, they would (he owned) be cases in point; but, then, to prove what? To prove, that such Heirs Apparent possessed no inherent right. If a right existed to represent the King, it must be a perfect, and an entire right,—a right admitting of no modification whatever, because if any thing short of the whole power were given, it would be less than of right could be claimed, and consequently an acknowledgment that no such right existed. But, could any such cases be pointed out? By a reference to the ancient records, it would be found, that the *Custos Regni*, or *Lieutenant for the King*, had never been invested with the whole rights of the King himself. The powers given to the *Custos Regni* had been different, under different circumstances; a plain and manifest inference thence arose that the *Custodes Regni* did not hold their situation as a right, but by appointment. The powers of bestowing benefices, and 'doing other acts of Sovereignty, which had been occasionally given to the *Custodes Regni*, shewed that their powers had been always subject to some limitation or other. Mr Pitt remarked, that, in modern times, Lord Justices had been frequently appointed to the exercise of sovereign authority, during the residence of a Prince of age in the country. Another instance that occurred to him was, where  
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the exercise of royalty had been interrupted by severe illness, and which appeared to him to be more a case in point than any other, to the present melancholy moment. The example to which he alluded was the precedent of Henry the Sixth; where the Heir Apparent was not of full age. It would, then, to supply the defect of that precedent, be necessary to have recourse to the principles of the Constitution, and to the laws of the land; and, upon this ground, it would be discovered, that the Parliament of that day provided for the moment; that they were not content with such provision, but that they looked forward to the time when the Heir Apparent should attain full age, granting him a reverſionary patent, the ſame precisely with the Regent's, to take place when he ſhould come of age; thus, though they provided for allowing him at that period more conſiderable powers than they had ſuffered him before to poſſeſs, they had ſtill not granted him the full powers of ſovereignty, but had made ſuch limitations, that provided their moſt poſitive denial of any right exiſting. That inſtance, though a ſingle one, and where the Heir Apparent was not of full age, was ſufficient to ſhew the ſenſe of Parliament in thoſe days, as much as if the Heir Apparent had been of full age. If no precedent contrary to thoſe which he had ſtated to the Committee could be advanced, he ſhould preſume, that the Committee would, of courſe, admit that no right  
exiſted



existed with an Heir Apparent, or an Heir Presumptive, to assume the functions of royalty on the temporary incapacity of the Sovereign; nor any rights but those delegated by the two remaining branches of the Legislature. He scrupled not, therefore, to declare, that no positive law, nor the least analogy from any law, could be adduced to support the doctrine of Right. A record had, indeed, been quoted elsewhere (alluding to the House of Lords) to prove that the King and the Heir Apparent were one and the same person, and that it followed, of course, that, on the incapacity of the King, the Heir Apparent had a legal and clear right immediately to exercise the same powers that the King had possessed; but a different opinion was entertained of that record by persons of great eminence and authority in the law, and by their opinion a far different conclusion was drawn from the same record, the metaphorical expression of which was not to be taken literally. Another opinion which had been stated was, that if Parliament had not been sitting, in such a case the Prince would have a right to assume the Royal Authority, and summon Parliament: but this position he should expressly contradict. Because, those who were, like him, standing up for the rights of Parliament, and, through Parliament, for the rights of the People, were peculiarly fortunate in one particular; they were as fortunate as most of those, who had truth and justice on their side, generally were; because little was left



for them to do, except to controvert and overcome their antagonists, by stating to them and comparing their own arguments and assertions, made at different times, and as the occasion suited.

It had been pretty strenuously contended elsewhere (in the House of Peers) by a learned Magistrate (Lord Loughborough), who had chosen to force his own construction on their silence, that our ancestors, if they had entertained any doubt of the Right of an Heir Apparent, would, in their wisdom, have provided for so possible a case as the present; and yet, instead of leaving the interpretation of this point to that learned Lord's wisdom, it must be concluded by the Committee, that they would have provided for it in plain, distinct, clear, and express words, and would not have left it liable to be differently understood. The wisdom of our ancestors, however, he conceived, was better proved by their having said nothing upon it, but left such a question to be decided where it ought to be decided, whenever the occasion required it, by the two Houses of Parliament. That the Committee might assert the same, he meant, in the Resolution he should offer, to quote that doctrine from the Bill of Rights, and assert that it rested with the Lords and Commons, as the rightful Representatives of the People. If the contrary doctrine was so evident that it must be true; if the Heir Apparent, or Heir Presumptive, had a clear right to assume the Royal Prerogative, on the interruption of those powers, he

desired

desired to ask every gentleman in the Committee, whether they would wish to adopt such a doctrine as a doctrine applicable to the safety of the Crown, which had been long gloriously worn by his Majesty, and which it was the ardent, the sincere wish of his people that he might long continue to wear, until it should, in due time, and in a natural manner, descend to his legal and his illustrious Successor.

The Chancellor of the Exchequer here strongly deprecated the idea of avoiding the discussion of what limitations might be necessary for ensuring the safety of the Crown on the head of its present Possessor, on account of the many virtuous qualifications of the Prince, or out of respect to any other motive whatsoever. It would not have been wisdom in our ancestors, had they said, that the care of the person of the Sovereign ought to be vested in the Heir Apparent. He hoped, in *this* declaration, not to be misunderstood; for he was ready to acknowledge the greatest and best qualities in the present Heir Apparent; but he would rather what he had said to be misrepresented in any manner, and any where, than sacrifice the duty which he owed to the safety of his Sovereign, and to the interests of the People. The right honourable gentleman opposite to him had said, on a former day, that his Royal Highness had as clear a right to the exercise of Sovereign Authority, as he would have had, in case of the natural demise of the Sovereign, and that he  
conceived

conceived the present to be a *civil death*. Could the Committee consider his Majesty's indisposition,—which was not an uncommon case, and generally but temporary,—could they conceive that his Majesty had undergone a *civil death*? He was *sure* they *would not*. If such a thing existed at the present moment as a *civil death*, his Royal Highness would immediately ascend the throne, with the full exercise of the Royal Prerogative, and not as a Regent; for a *civil death*, like a natural death, was permanent. He stated from Mr. Justice Blackstone, that there were but two cases in which a man could undergo a *civil death*; the first was his being banished from the realm by process of common law; the second, his having entered into a monastic life, and becoming a monk professed, thereby taking himself from all secular concerns. The first was an act which cut off a criminal from society within the realm, and the other was the voluntary act of retiring from the world. Would any man pretend, that either of those cases was analogous to the visitation of Heaven, to a stroke inflicted by the hand of Providence, which might, and probably would, prove temporary? Could it be pretended, that they ought to be adduced as acts to prevent his Majesty in future from exercising those powers which he had never forfeited—which he had never renounced?

After having advanced so much in contradiction to the claim of right, he believed no one would think of asserting it. The only question, then, was,



and to which what had passed before was but preliminary, where did the right exist? If no provision in precedent, in history, or in law, was to be found for the exercise of such authority, on the disability of the Sovereign, where was it to be found? It was to be found in the voice, in the sense of the People. With them it rested; and, though in extraordinary cases, in most countries, such an event as the calamity which all deplored, would have gone near to dissolve the Constitution itself; yet, in this more happily tempered form of Government, equally participating the advantages, and at the same time avoiding the evils, of a Democracy, an Oligarchy, or an Aristocracy, it would have no such effect; for, though the third estate of the Legislature might be deficient, yet the organs of speech of the People remained entire in their Representatives, by the Houses of Lords and Commons, through which the sense of the people might be taken. The Lords and the Commons represented the whole estates of the People, and with them it rested as a right, a constitutional and legal right, to provide for the deficiency of the third branch of the Legislature, whenever a deficiency arose; they were the legal organs of speech for the People; and such he conceived to be the true doctrine of the Constitution. He would not merely state these as his own opinions, but he would state them to be the opinions of those who had framed the Revolution, who had not, like the Committee, to provide for the inter-

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ruption of regal powers, while the throne was full, but to supply the deficiency of the third branch of the Legislature, which was wholly vacant. Whenever the third branch, however, of the Legislature was wholly gone, or but suffered a suspension, it was equally necessary to resort to the organs of the People's speech. Agreeable to the laws of the land, to the records of Parliament, to precedent, and to the Constitution, the political capacity of the King, except in cases of absolute forfeiture of the Crown, was always considered as legally entire; and during that political capacity, according to the spirit of the Constitution, if any natural incapacity should cause a suspension of the Royal Authority, it then rested with the remaining branches of the Legislature to supply such defect. In every proceeding of the Parliament, in the reign of Henry the Sixth, they had acted with such a power, and declared in what manner, and by whom, the Royal Authority was to be exercised, for, and in the name of the King. In that reign, the Duke of Gloucester claimed the Regency, and applied to Parliament for the same as his right; but the answer of Parliament to such claim was, that he neither had by birth, nor by the will of his brother, any right whatever to the exercise of the Royal Authority. They, however, appointed him Regent, and entrusted him with the care of the young King. Here was an instance of the claim of right having been actually made, and an in-

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stance likewise that it had been fully decided upon by the then Parliament, who declared, that no such right existed, either from the law of the land, or from precedent. The rights of Parliament were congenial with the Constitution. Mr. Pitt referred the Committee to every analogy that could be drawn from the principles of the Constitution, and he contended, that the only right would be found to exist in Parliament, describing it as a right capable of so effectually providing for the deficiency of the third branch of the Legislature, as to enable them to appoint a power to give sanction to their proceedings, in the same manner as if the King was present. As the power of filling the throne rested with the People at the Revolution, so, at the present moment, on the same principles of liberty, on the same rights of Parliament, did the providing for the deficiency rest with the People. He declared, that he felt himself inadequate to the great task of stating the rights and privileges of the Constitution, and of Parliament; but he had made it appear, as plainly as he could, that no right existed any where to exercise the whole, or any part, of the Royal Prerogatives, during the indisposition of the Sovereign. He had also proved, that, from the necessity of the case, it rested with that and the other House of Parliament, to provide for the deficiency in the Legislature. He supposed that doubts might be stated as to the propriety

propriety of coming to any decision on the question, and that he might be charged with having stirred notions dangerous to the State ; but such questions, he begged it to be remembered, he had not stirred. When questions concerning the rights of the People, the rights of the Parliament, and the interests of the Nation, were started, it was necessary, if the House had a right on the subject, to exercise that right ; it was their duty ; it was a matter that could by no means be lightly given up. If it was their duty, in the present calamitous state of the Nation, to grant power, they ought to know how they granted such power. They must decide either in the manner of a choice, or as acting judicially, to recognize a claim of right ; and if they recognized such claim, it would be an acknowledgment that they had no power to deliberate on the subject. If they did not come to some decision, they would confound their own proceedings, and it would be highly dangerous to posterity, in point of precedent. They were not, therefore, to consult their own convenience. He remarked, that, originally, the claim of right had been asserted by the Right Honourable Gentleman, in strong and lofty terms, but that the tone had been since somewhat lowered. He noticed a declaration that had been made elsewhere, of no intention of asserting a right ; but it had been made in words, and there were no



parliamentary grounds to go upon, that a right would not be, at some future period of our history, attempted to be either assumed or asserted. He declared, he could see no possibility of the Committee proceeding a single step farther, without knowing on what kind of ground they proceeded; and, therefore, it became indispensably necessary to have the question of right decided. The danger of the question originated in its having been stirred, not in its being decided; the danger of the stirring would be done away by the decision; but the leaving it undecided, and equivocal, would be highly dangerous. The decision of both Houses would be attended with no dissension; but, if the right of Parliament was not confirmed, the measures of both Houses would be imputed, he feared, rather to motives of personal interest and convenience, than to a due regard for the interest of the country. The measures which he meant to propose were dictated by no other motive than an anxious desire, in conformity to his duty, to provide for the safety of the King, the rights of Parliament, and the interests of the People.

Mr. Chancellor Pitt, previous to the conclusion of his speech, adverted to what he described as the opinions stated by a noble Lord (Rawdon) in another place (the House of Peers), in contradiction to his assertion, that the Prince of Wales had no more right to assume the Regency than



than any other individual subject. He said, that he understood, that, in arguing that matter, some very extraordinary modes of reasoning had been resorted to. Among other conceived proofs, that the rights of the Prince of Wales were different from those of other subjects, it had been contended, that the Prince of Wales was, in an old record, quoted by Lord Coke, pronounced one and the same with the King. The fact certainly was so; but to draw from such a circumstance an argument, that the Prince had a right to exercise the Sovereign Authority, under the present circumstances of his Majesty's unfortunate incapacity, was an inference so monstrous, that he should think he deserved censure for sporting with the gravity of the House, if he suffered himself to treat it with the least seriousness whatsoever. In truth, a very different conclusion might be drawn from the whole of that record, the metaphorical language of which was not to be taken in a literal sense, in that or any other point of so much importance. Another position, laid down at the same time, and in the same place, was, that the Prince of Wales, as Heir Apparent, and being of full age, could assume the exercise of the Sovereign Authority, if his Majesty's infirmity had occurred when when Parliament was not sitting; but that doctrine had been so expressly contradicted in that House, by the Right Honourable Gentleman

opposite to him, when the subject was last agitated, that it was needless for him to say a syllable more relative to its nature. A third argument, urged in support of the Prince's right, was, that a Prince of Wales, when he came to the Crown, could sue out an execution, as King, in a cause in which he had obtained a judgment as Prince of Wales. But, what was there decidedly conclusive in this position? The reason why the Prince of Wales had this advantage over other subjects was obvious. If the son of a Peer, who had maintained a suit in the Courts in Westminster Hall, and obtained a judgment, succeeded to his father's honours before he had sued out an execution, he could not sue out an execution without previously identifying himself, and satisfying the Court that he was the same person who had prosecuted the suit, and obtained the judgment. And why was not the Prince of Wales obliged to do the same? For this plain reason, the Courts of Westminster Hall are holden in the name of the King, and therefore, in his own Courts, it must be a matter of notoriety, that, on the demise of the Crown, the Prince of Wales had succeeded to it, and become King: But were these arguments multiplied ten times over, what did they prove? Merely, that the Prince had rights, of some sort or other, peculiar to himself; but did they prove that he had a right to exercise the Sovereign Authority,

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on his father's incapacity, without the consent and declared approbation of the two remaining branches of the Legislature? No more a proof, than a man having an estate in Middlesex, was a proof that he had another in Cornwall, and a third in Yorkshire. In fact, all these arguments put together, regarded and considered with a reference to the point in dispute, whether the Prince of Wales, as Heir Apparent, had a right to exercise the Sovereign Authority, during the incapacity of his Majesty, were so irrelevant, so foreign to the question, and so perfectly absurd, that they were not to be relied on as law, even if they came from the mouth of a Judge. With respect to the strong and lofty assertion that had been at first made of the right of the Prince of Wales, as Heir Apparent, to assume the exercise of the Sovereignty, it was sufficient to observe, that this doctrine was retracted. Upon this occasion, he should beg leave to recall the word, and say, not retracted, but disavowed. This reminded him of the precedent in the reign of Henry the Sixth, during which the Duke of Gloucester quarrelled with the Bishop of Winchester, which disagreement rose so high, and was carried so far, that at length the Duke brought a criminal charge against the Bishop, accusing him of having, in a former reign, advised the Prince of Wales, afterwards Henry the Fifth, to assume the Sovereign Authority in the



life-time of his father Henry the Fourth. Tho' this charge, if proved, would have been high treason, the Bishop desired that it might be referred to the Judges, and that its validity might be determined by the strictest investigation. The quarrel, however, was compromised, on grounds of personal convenience, and the charge never came to a legal decision. When, at the close of his speech, Mr. Pitt had endeavoured, by many arguments, to establish the right of the two Houses of Parliament to provide the means of supplying the defect in the case of the King's incapacity to exercise the Sovereign Authority, Mr. Chancellor Pitt expressed his hopes that he should impress the House with a conviction, that if they had a right, they had also a duty; a duty which neither their allegiance nor their affection to their Sovereign would allow them to dispense with. It was their duty, at this time, not only unequivocally to declare their right, so that it might remain ascertained, beyond the possibility of all question hereafter, and become secured to posterity, but to proceed, without delay, to exercise their right, and provide the means of supplying the defect of the personal exercise of the Royal Authority, arising from his Majesty's indisposition. Upon no account did it appear probable, that their decision could either occasion a dissension between the two Houses of Parliament, or produce mischievous consequences



ces of any kind whatsoever. On the contrary, if the right were not declared, as well as decided, it would appear that the two Houses had made a compromise, unbecoming themselves, and acted upon personal motives, rather than a due regard to the true interests of their country.

Mr. Chancellor Pitt now read his two Resolutions, as follow ; and afterwards moved the first, which was carried unanimously.

I. “ That it is the opinion of this Committee,  
 “ That His Majesty is prevented, by his present  
 “ indisposition, from coming to his Parliament,  
 “ and from attending to public business, and that  
 “ the personal exercise of the Royal Authority is  
 “ thereby, for the present, interrupted.”

II. “ That it is the opinion of this Committee,  
 “ That it is the right and duty of the Lords Spi-  
 “ ritual and Temporal and Commons of Great  
 “ Britain, now assembled, and lawfully, fully,  
 “ and freely representing all the estates of the  
 “ people of this Realm, to provide the means of  
 “ supplying the defect of the personal exercise  
 “ of the Royal authority, arising from His Ma-  
 “ jesty’s said indisposition, in such manner as  
 “ the exigency of the case may appear to re-  
 “ quire.”

Resolved, “ That for this purpose, and for  
 “ maintaining entire the constitutional authority  
 “ of the King, it is necessary, that the said Lords  
 “ Spiritual and Temporal and Commons of Great  
 Britain,

“ Britain, should determine on the means whereby  
 “ the Royal assent may be given in Parliament  
 “ to such bill as may be passed by the two  
 “ Houses of Parliament, respecting the exercise  
 “ of the powers and authorities of the Crown,  
 “ in the name, and on the behalf, of the King,  
 “ during the continuance of His Majesty’s pre-  
 “ sent indisposition.”

The *Master of the Rolls* declared, that, till within  
 the last ten days, he never had heard of there  
 existing any right in his Royal Highness the  
 Prince of Wales, whether assumed or attached,  
 upon the declaration of the two Houses of Par-  
 liament of the temporary incapacity of the  
 Sovereign, to exercise the Royal authority dur-  
 ing such incapacity. Having quoted a great variety  
 of legal authorities, to prove the reverse to be  
 the fact, the Master of the Rolls added, that he  
 begged leave to call upon the learned gentlemen  
 of his own profession, to point out the statute  
 that contained any recognition or declaration of  
 such a right’s existence, or any law-book what-  
 ever; and he contended, that he could, with ease,  
 refer to several statutes and law-books, likely to  
 have noticed it, if any such right had existed,  
 but they were all of them completely silent on  
 the subject. As to what had fallen from a noble  
 and learned Lord (Loughborough) in another  
 place, (the House of Peers) on the preceding  
 Thursday, respecting the Prince of Wales and  
 his Majesty being deemed one and the same per-  
 son,

son, in a particular record, he should think it sufficient to answer, that he had read the record, and that its sense was metaphorical. Sir Richard considered the precedent in the reign of Henry the Sixth, and alluded to what he described as its pointed analogous reference to the present case. He declared, that he had no doubt whatever, but that it was the constitutional right of both Houses to provide for the interruption of the Royal authority, during the continuance of His Majesty's illness; and, surely, he remarked, the best way to testify a proper respect for his Royal Highness, would be by deciding in favour of the rights of Parliament, on the preservation of which the welfare of the Crown, and the interests of the people so essentially depended.

Mr. *Loveden* expressed his ardent wishes, that the House would meet the motion of the Right Honourable Gentleman with their fullest concurrence; and thought it a most desirable object to be attained in the conduct of the present truly important proceedings. He, notwithstanding, must desire leave to ask the Right Honourable Mr. Chancellor Pitt two questions; and the one was, whether by these resolutions that had been just read, he meant to preclude his Royal Highness the Prince of Wales from being Regent, and sole Regent; the other, whether by the words towards the end of the Right Honourable Gentleman's speech, relative to motives of private interest or convenience, the Committee were to  
under



understand, that such gentlemen as would not submit to vote for the Resolution, would have their votes imputed to private interest and private convenience.

Mr. Chancellor *Pitt* answered, that it would afford him the utmost pleasure to give any gentleman the fullest satisfaction, if he appeared to have misunderstood any part of his observations. With regard to the first of the two questions, whether he meant by the Resolutions to preclude his Royal Highness the Prince of Wales from being Regent, and sole Regent; he believed, gentlemen knew, that he had on the preceding Friday very fully intimated his individual sentiments on the subject, and had declared, in express terms, that it was, in his opinion, highly desirable, that whatever part of the legal power it was necessary should be exercised at all, during this unhappy interval, should be vested in a single person, and that person his Royal Highness the Prince of Wales. The present Resolution was only calculated to declare the right of the House in concurrence with the House of Lords to appoint a Regent, and leave it open for them to determine, in a subsequent stage, who the Regent should be. With respect to the Honourable Gentleman's conceiving that he had said, that those who would not submit to vote for the Resolutions, would have their votes imputed to motives of private interest and convenience, he should be heartily ashamed if he could have



been indecent enough to have been guilty of so much rudeness to that Committee, or any individual member whatsoever. In mentioning the construction which the world might possibly put upon their conduct at that moment, and under the peculiar circumstances of the case, he had remarked, that if when the essential constitutional rights of the two Houses were questioned and doubted, they refused to vote resolutions that would decide upon them and insure them to their posterity, they would render themselves liable to have their conduct imputed rather to motives of personal interest and personal convenience, than to a due regard to their duty, and that attention to the honour and safety of the Crown, as well as to the preservation of their own clear and invaluable constitutional rights, which they owed to the country and to themselves.

Mr. *Bastard* said, he had no view in rising, but merely the public good. He was equally affected towards the Right Honourable Gentlemen (Mr. Pitt and Mr. Fox) though the people were not so. Before the House came to a determination on this question, he besought them to consider its consequences. He said, he wished for unanimity : for, suppose a different decision should take place in the two Houses of Parliament, how could this difference be adjusted ? He said, he looked on it with horror ! If it was determined, he should do his duty ; but he should be glad to know, what good it would answer ? He

said

said, it had been declared in another place, that his Royal Highness had abandoned all claim of right, and had submitted every thing to the authority and determination of Parliament. The Right Honourable Gentleman would do well to weigh the consequences with which the determination of this question might be attended. He did not say, they must necessarily arise; but if there was any danger, he ought carefully to guard against it. He asked what possible advantage could be gained by the determination of this question?

Lord *North* rose next, and said, he did not rise to answer the question of his Honourable Friend who had just sat down, for he knew no possible answer that could be given to it. He made an apology for delivering his opinion at that time, as most likely he should not be able at a later hour. He said he had many objections to both resolutions, though they might be reduced to one. The Right Honourable Gentleman was afraid, if this question was not discussed, they might be accused of acting from personal motives; but by determining it, they would appear to be actuated by publick considerations. His Lordship was strongly of opinion that the question ought to be laid aside, and for the House to proceed immediately to the business that was before them. He said their much beloved Sovereign was at present in a melancholy state of health; and they all hoped, by the blessing of God, that

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he would recover; but that as he was incapable, at present, of discharging the duties of his high station, they ought to lose no time in filling up the legislature. Every step they had hitherto taken had been justified by the necessity of the case; but if they had gone one inch farther, they would have exceeded the limits of their authority. The two Houses of Parliament, without the third estate of the realm, had no power to make laws, or to do any act, except, in so far as they were justified by the necessity of the case.—The duty of the two Houses of Parliament was, at present, to fill up the third branch of the Legislature. He said, he considered every question as speculative, that was not absolutely necessary to be decided by them in their present situation. When they had met for the express purpose of supplying the defects of the Legislature, he begged leave to say, that this question was totally unnecessary to be determined. The present business before the House was to fill up the defect of the Legislature, arising from the temporary indisposition of the King. It appeared the question now under consideration was not only useless, but it might be extremely pernicious. In the resolutions, the Lords were mentioned. He wished to know what right the Commons had, to resolve and determine any measure for the other House of Parliament. The Right Hon. Gentleman had thought that it was necessary to determine this



question, because his Right Honourable Friend (Mr. Fox) had given it as his opinion, that the Prince of Wales had this right, independent of Parliament. But did it follow that the Prince actually had, or claimed that right, because that happened to be the opinion of an individual Member of Parliament? He had a very great respect for the opinion of his Right Honourable Friend, but it was paying him too high a compliment, to suppose that any political proceedings were to be grounded on his opinion, unsupported by any other. The consequence of entering into this question was altercation and dissension, at a time when unanimity ought to prevail among them. God forbid he should maintain there was any indefeasible right to succeed to the sovereign power; yet if the two Houses were to decide that the Prince has no right to succeed, it would be unjust and dangerous; it would lead to many errors; for people without doors would think the Prince had assumed this power; whereas it was universally known and acknowledged, that he had not. The Heir Apparent, the Right Honourable Gentleman said, might succeed either to the whole, or to a part of the Royal authority. He said he did not remember that any of the precedents curtailed the Regent in any of the important privileges of the Royal prerogative. It was of great importance to maintain the great sense of the constitution. But

if



if any restrictions, limitations, or modifications were to be made, they ought to be made by the Houses of Parliament, assembled as they were at present. What was the ground of their meeting here? There was a great point to be settled—They were to do something which no other persons could do—they were to supply the defect in the Legislature.—They were justified, from the necessity of the thing, in going so far; but if they went an inch farther, they usurped an authority which did not belong to them, and subversive of the principles of the constitution. The two Houses could not pass a turnpike bill; and shall they proceed to make laws, limit the Regency, and new cast the British constitution? In the minority of Henry VI. the Duke of Gloucester was Protector; but it was important to consider, that the Parliament was called together by a Lieutenant appointed by the Crown to hold Parliaments. It was plain that no Bill could pass into a law without the Royal assent. The regular and constitutional way of doing business, was first to appoint a Regent, and then proceed to modify and limit it, which could be done equally well without infringing on the constitution. But to attempt to find out a mode of giving the Royal assent, before the third branch of the Legislature was supplied, was the greatest usurpation to be found in the history of this country. They were under the necessity of ap-

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pointing a Regent from the present distressed situation of our much beloved Sovereign, and they had nothing to do but to go directly to work. In this case, they would usurp no power, which did not belong to them: they would only do what necessity compelled them to do, and what necessity alone would justify.

The coming to a determination on this question would be attended with many bad consequences. In the first place, the determination of this question was perfectly useless and nugatory; it was productive of contention and various errors. He desired the House to beware of the breaking through the principles of the constitution, by doing acts in their present capacity, which only belong to the three branches of the Legislature.

He said, he should not trouble the House with any more observations at present, and concluded with moving, "That Mr. Alderman Watfon leave the chair, and report progress." He said, he hoped the next time they met, they would lay aside such useless and nugatory questions, and proceed to the important business that was before them.

Mr. *Powys* said he rose to second the motion that had been made by the noble Lord who had just sat down. He could see no possible use in determining this question; to say the best, it was unimportant; and might very probably be attended with a number of very serious consequences.

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These had been excellently pointed out by the noble Lord who had gone before him. He said, that every man in that House who wished well to the country, and who was disposed to perform his duty as a good Member of Parliament, would study unanimity on the present occasion.

Mr. *Rolle*, declared, that he thought the question of right indispensably necessary to be discussed and decided, after what had passed in that House and elsewhere. He had told his constituents to their faces, that so long as the Right Honourable Gentleman at the head of the Treasury appeared to him to be actuated by loyal and constitutional principles, he should have his support, and no longer. The Right Honourable Gentleman's conduct had been such as, in his opinion, well entitled him to the confidence and applause of the country: he had restored our commerce, and exalted the national character; and, on the present occasion, seemed to be influenced by the most ardent and anxious zeal to preserve the rights of the Crown safe and entire, in a moment of singular public misfortune.

The *Attorney General* said, that he had exerted no common industry in looking for information on the subject of the present debate; and though he was disposed to pay every due respect to the ability and experience of the noble Lord, he could not but observe, that the acuteness of his Lordship's discernment had never come so short of its object as on the present occasion. He con-



tended that no loss of time could be incurred, by determining that it was the right and duty of the Lords and Commons to provide for the present exigency. On the contrary, such a resolution was a necessary foundation of all their future proceedings, as well as to vindicate the rights of the nation at large. He denied that the distinction between the politic or official capacity of the Crown, and the natural and human capacity of the person of the King, might ever be kept separate ; as upon that distinction the whole rectitude of their proceedings depended. The political capacity was invulnerable, the natural capacity was otherwise ; the former required no supply, the latter unfortunately did. The mode in which the latter was, in antient times supplied, lay in some obscurity. Whether in tender infancy, the expression of the King's will, by his Great Seal, was directed by his Privy Council, his great Council of Peers, or, his still greater Council of Parliament, was a matter of some obscurity, but that it was so manifested is certain, and that manifestation by the Great Seal, is proved by the Rolls of Parliament uniformly to have been deemed necessary. He begged leave to advert to the situation in which both Houses of Parliament now assembled, were particularly placed ; they were the only possible Counsellors to ascertain the King's politic capacity, and as to the mode in which the exercise of the natural capacity might be supplied



plied, in the present posture of affairs. The Attorney General dwelt very much upon the distinction between the natural and the political capacity of the King, which constituted the difference between an absolute vacancy of the throne, as it existed at the Revolution, and a temporary supply of some of its natural functions. In order to enforce the point that a Regent was unknown to the common law of the land, and a mere creature of Parliament, he adverted to the rolls of Parliament, which proved, that when the Duke of York was made Regent by King, Lords, and Commons in the Reign of Henry VI. a patent was directed to be sealed in favour of the Prince of Wales, when he should come of age, which demonstrated, that, without a patent, the Prince of Wales, when of age, could not claim as of right, much less assume, the Regency of the realm. With respect to the disquietude of the minds of the nation, he insisted that this great question having been introduced by a Right Honourable Gentleman, it must now be settled for all posterity. He conjured the House not to skulk from the real and substantial question of their rights, under the shelter of a previous question, but manfully to recollect that they were acting for the whole people. The dead silence of the whole law upon this common law right of a Regent, was a strong proof that it was unknown. If there were such a common law

officer, he asked, wherefore our ancestors, on framing the coronation oath, had not directed that it should be administered to Regents as well as to Kings ; whereas, according to the doctrine of the day, a Regent was to step into the throne without such a pledge being given to the people, for the enjoyment of their civil and religious rights. This silence, as to common law right was, however, interrupted by the powerful language of Parliament, when it granted a reverſionary patent to the Prince of Wales, then a minor, when he ſhould come of age. It ſeemed, therefore, as if this had been done to preclude any claim of right for ever ; and he truſted that on the preſent occaſion he ſhould reap a very ſaving benefit from ſuch inſtruction.

Mr. *Fox* obſerved, that being in a manner called upon, it was neceſſary that he ſhould trouble the Committee ; though, from the indifferent ſtate of health in which he was, he feared that he ſhould be unable to do any thing like juſtice to the ſubject.

He imagined, from the weakneſs of the arguments which had been advanced by the oppoſite ſide, they wiſhed to invite him to an examination of the ſubject of the right of his Royal Highneſs the Prince of Wales, in the diſcharge of the executive power, in the preſent condition of the Sovereign. They thought, perhaps, that the futility and weakneſs of all that they had been  
able

able to adduce, would have been a temptation which *flesh and blood could not withstand*. It certainly was curious to hear them talk of stigmatizing a Parliament of Henry VI. and to produce examples and precedents from that reign, as applicable to the present settlement of the constitution; and from a Parliament, in which the House of Lords had committed to prison the Speaker of the House of Commons!

If the precedents from this reign were thus absurdly applied, there was something peculiarly unlucky in their calling to recollection that of Edward III. in which a Prince of Wales was more than once declared Regent of the kingdom, in the absence of his father, and that *even in the time of his minority*. The “case in point,” cited from the reign of Henry IV. is no less irrelevant in its application. But what a difference in the two situations of Henry IV. and his present Majesty. Henry was reduced to great infirmity by age and illness; but was his illness of that nature to *incapacitate*, like that under which our Sovereign labours? It was widely different; and though Henry might be so sorely afflicted, as *not to be able to come down to Parliament*, he was not, as his present Majesty is allowed to be, *incapable of all public business*.

There had been, Mr. Fox observed, the assertion of a positive right by law on both sides; on the one, the right of the Prince to be Regent;



the right of the Two Houses to elect him, on the other. He asked them, since the Right Hon. Gentleman seemed determined to make it a personal question between them, why he did not propose his own opinion to be adopted, as the Resolutions of the House: That the Prince of Wales *had no greater right to the Regency than any individual among them?*—Since he was determined to have recourse to his majority, why did he not make use of it to carry his own question? The reason was, that he dared not propose it to the House. He knew, that as soon as it had been uttered, it had met with the most pointed reprobation; and wherever it had been circulated, public execration had attended it. It was, however, Mr. Fox maintained, the supreme Legislature alone that had power to do wrong. The three branches, consisting of King, Lords, and Commons, might set aside the succession, and deprive the Prince of Wales of his right; but it was not in the power of the two Houses, any more than it was in that of the Minister himself. He had allowed, that in case of the demise of the King, nothing short of an Act of Exclusion, could set aside the right of the Prince of Wales to the inheritance of the Crown; while in reality, nothing less than such an act could exclude him from the Regency. The Government of the Princes of the House of Brunswick had been such, since their accession to the Crown of these kingdoms, as to render it impossible to suppose



suppose that any act of theirs could bring any measure of that kind even into contemplation. If ever they had differed with the people, it was only on collateral points. None of these Princes had attempted any thing that directly invaded the constitution of the country ; though if they had meditated any such mischievous design, there was a party existing, that would be ready to abet them in the blackest scheme that ever a tyrant devised against the liberties, or the happiness of his subjects. He was, and always had been, ready to avow his attachment; and when he mentioned his reverence and regard for the Princes of that line, it was not to sound obliquely his own praise, in the confidence which they placed in him ; that was a principle he should ever hold in disdain; but the Right Hon. Gentleman seldom introduced any mention of the Royal Family, or the Royal Person, *but it terminated in an ostentatious display of his own merits, in an indirect encomium on himself.*

The very Act of Settlement by which the illustrious House of Brunswick was seated upon the Throne of these realms, would, as Mr. Fox observed, be defeated by the doctrine of the Right Honourable Gentleman. For to set the Prince of Wales aside, in the succession of the Regency, would be the same thing as to supersede him in the succession to the Crown. This right was to be determined by the concurrent voice of the  
three

three branches of the Legislature, and not by one or two. The constitution supposed each branch not only independent of the others, but actually hostile.

He then proceeded to shew, that the principle of electing a Regent by the vote of the two Houses, would be much the same thing as to establish an elective monarchy. All the disadvantages of an election would take root here. In general, there are some restrictions as to capacity, &c. in persons to be elected. But there were none such imposed upon him whom the Parliament choose as Regent. They might elect a Foreigner, a Roman Catholic, or any other person; for what law defined the particular kind of person whom they should elect? An hereditary monarchy was justly looked upon as the happiest kind of monarchical institution. Yet, should a foreigner ask, have you really an hereditary Sovereign? In the true principles of the constitution, we should answer—we have; but if we had in view the resolution now proposed, we should say, ask the physicians. When he is in good health, the monarchy is hereditary; when indisposed, it is elective. But the assertion of an elective King is so palpably hostile to the principles of the constitution, that it would not be tolerated for a moment. How then was this difficulty to be got over? An acute lawyer might be found, who would plausibly advance, that though

we must allow the monarchy to be hereditary, the executive power may be elective. The Crown and its functions were thus whimsically separated, as if they were two separate things, though the one is the essence, and the other merely the name. If the Crown is to have no functions, why there should be a King, it was beyond his imagination to discover.

With regard to the resolution then under the discussion of the House, he had two collateral objections to make to it. The first was, that mentioned by his noble friend (Lord North); that it brought into their consideration and determination the duties of the House of Peers. The other was, that the Resolution itself was wholly equivocal. It was insidiously calculated to convey a censure upon an opinion which he had delivered, while the Right Hon. Gentleman evaded the discussion of an opinion of his own. This was a mean shift, totally irreconcilable with the confidence which the Right Hon. Gentleman placed in the expectation of a majority. In majorities, Mr. Fox declared, that he had no great trust; he had in general the mortification to find himself in a minority in that House; for more than eighteen years of a political life, he had to stem the torrent of power; sometimes, indeed, he had enjoyed the satisfaction of finding himself in a majority of the same Parliament, of which, in the prosecution of the same principles,



ples, he had been supported by only a minority before. Whether he was, therefore, in a majority or a minority, it was the same thing to him. He would never take advantage of the one insidiously to carry one measure under the colour of another, any more than to abandon or flinch from any question, merely because he thought he should be abandoned by the House.

The other Resolution, Mr. Fox observed, had not the insidious and equivocal tendency of the former. On the contrary, it was a plain and palpable attack on the constitution of the country. By the 13th of Charles II. it was declared that no law could be enacted, but by the joint consent of the three branches of the legislature. This Resolution would empower to pass an act by their own authority; or what was worse, to create a third pretended power, a creature, a shadow, a pageant of their own, to supply the place of royalty. This Being was to be instructed, to receive its orders from them; nay, was created for the purpose of giving a colour of law to their illegal proceedings.

If there was to be any monarchy at all, Mr. Fox pronounced it as his doctrine, that the monarchical power should be entire. The authority of a King, who would be obliged to pass laws contrary to his own opinion, and without his own consent, was a thing that did not come within his conception. If they judged it proper



to circumscribe the royal prerogative, they should first invest the proper person with that prerogative, and then contend openly and manfully against it. This was the kind of warfare which he had been accustomed to, and not that unfair and assassinating sort of attack, which is aimed at an adversary when he has no capability of resistance. To be accused of contending against the privileges of the House of Commons, was a new situation to him ; the accusation, however, was false ; he had always contended strenuously for those privileges ; and he also fought against the prerogative of the Crown ; but then he had fought against an enemy in the plenitude of his power, which it was the glory of an Englishman to do, and not against one laid low and extended at his feet. If he had struggled with monarchy, it was with a monarch in all the possession of his power ; he had endeavoured to limit the prerogative, where he thought it was overgrown, not to diminish it below the balance of the constitution :—it was the regular property, the estates, the freeholds of the Crown, which he had judged necessary to entrench upon ; the present designs were making on what it might possess from shipwreck, or suicide, on the waifs, estrays, deodands, and other accidental property that might accrue to it from misfortune, not from prosperity.

The question was now—whether we should proceed to election or otherwise? He then took an opportunity of affirming, that he knew nothing of the Right Honourable Gentleman's *ambition*, knew nothing of his motives; but supposing that there were an ambitious person of the description alluded to, he would take the very steps which the Right Honourable Gentleman had adopted. If there were an individual who preferred his own lucre and welfare to the good of his country, he would countenance and support the very same measures—"endeavouring to embarrass the Government of that Prince, whose approbation he was conscious he did not deserve."

Mr. Fox drew to a conclusion, by saying, that although there were several steps of policy and political foresight, highly praise-worthy in the Administration of the Right Hon. Gentleman—such as the peace establishment with France, and the spirit observable on that emergency; yet that the greater part of his actions had not been so constant to true constitutional principles. Had the Right Hon. Gentleman acted wisely; had he acted liberally; had he acted as a friend to the peace and welfare of the kingdom, he would have revolved in his mind, that he had remained several years in office; that he could not consider his situation, or that of any man, as permanent; that finding there was to be a change of men and  
measures,

measures, he should scorn to interrupt the exercise of the executive Government ; and that he should retire with all the honour and dignity becoming the ostensibility of his situation. But what does the Right Honourable Gentleman ? I will, says he—for this may be supposed to be his language—take care that no man shall have it in his power to eclipse my fame ; no man shall tarnish my glory by any competition.

Mr. *Pitt* remarked, that an apology was due from him to the Committee, for obtruding a second time on their indulgence ; but to the concluding part of Mr. Fox's speech he found it necessary to reply. He begged Gentlemen to recollect, that he had avoided all personal animosity and insidious provocation. The conduct of his opponent, however, had been diametrically opposite ; he had conveyed upon him, in the course of his remarks, imputations, unjust, arrogant, and presumptuous. The subject before the House had been used as the vehicle of personal attack upon him—and by an ostentatious and open avowal of the authority and favour of the Prince of Wales, he had exultingly insinuated, that when the Prince should receive the sanction of both Houses of Parliament, in the appointment of the Regency, he was no longer to be a member of Administration ; he had also been charged with exercising an irregular ambition, hostile to the welfare of the country. He, however, defied Mr.

Fox



Fox to prove, in any single instance, his having sacrificed the *true* interests of the nation for any personal views, or to gratify any inordinate ambition.

The protection and favour of the Prince, he was convinced, could only be obtained by a strict attention to his constitutional prerogatives, and a faithful and honest discharge of every public duty. So far as these considerations operated, he was conscious of having endeavoured to merit the approbation of the Prince of Wales. A Regent, with temporary powers, he contended, stood in need of every constitutional advice that the wisdom of the legislature should think proper to administer. The utmost precaution should also be exercised, to prevent the ratification of any act, inconsistent with the lasting interest of the King, and the safety of his loyal and affectionate people; nor would the wisdom of Parliament give a sanction to any measure tending to embarrass the personal exercise of the royal authority. He then very plainly declared, that the language which had been used by the Right Hon. Gentleman towards him was at once "unjust, arrogant, and unprovoked." It is not the Prince of Wales's right the Right Hon. Gentleman means to defend; but, by twisting and turning the topic of debate, and by wandering widely from the question, he makes the Prince's right subservient to an unjust attack against me. Perhaps (says Mr. Pitt)



Pitt) the Right Hon. Gentleman meant to describe the form of a new arrangement, and with that species of vaunting in which he is not deficient, insinuate, with becoming delicacy and disinterestedness, that I am no longer to be in Administration. Mr. Pitt then treated this part of the speech with successful irony, and in his observations was felicitous. The Right Hon. Gentleman has remarked, that as I have been in power several years, I ought to retire, and leave him and friends to the quiet enjoyment of their places; and should I not accept his admonition, the wrath of a certain great personage is denounced against me, whose approbation, according to the Right Hon. Gentleman's report, I was conscious that I did not deserve. With regard to innovations, the Right Hon. Gentleman could not with justice affirm, that he (Mr. Pitt) had placed unnecessary bulwarks to the constitution. He had exerted himself for the good of his King and country; and if it were criminal, he confessed his criminality. Whether (says Mr. Pitt) I have deserved the favour of the great personage alluded to, it would be presumptive in me to assert; but this much I may say, I am conscious that I have performed my duty as became an HONEST MAN. I have endeavoured to deserve his approbation, by faithfully discharging my duty to his Royal Father. If I have failed, I

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cannot

cannot help it ; but no INDICATION of DISPLEASURE from that GREAT PERSONAGE can ever make me repent of one step in my conduct, either in my duty to my King or my country. If the Right Hon. Gentleman supposes that we shall have no longer any share in the Government, and that he and his friends will come into power, I may answer, that we know and have experienced his principles ; we know how he wishes to dictate and govern in the plenitude of his power ; and therefore ought to provide against any permanent and immutable government, as his Majesty may recover, and enjoy his former functions. We know their obnoxious principles, and therefore ought to provide against the impending danger. The House, when Mr. Fox had talked of his political principles, seemed instantaneously to recognize them ; it was not forgot, that in a late ambitious exertion of those principles, he aimed at dictating to the executive officers of the Crown, and attempted to wrest from their authority those guards, with which that branch of the Legislature had been wisely provided. If then the Hon. Gentleman was so sanguine of his attainment of power in the new government, it became more necessary, for the purpose of defeating his ambition, to proceed in the settlement of the Regency with the utmost precaution and circumspection. He would advise him in future, when  
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the subject should in a more matured shape come under consideration, not to deviate from it, and enter on personal topics, foreign from the matter of debate. Such conduct, he sarcastically remarked, would not further secure him the favour of the Prince of Wales, of whose patronage he had so proudly boasted. His meaning, he observed, had been, as usual, industriously perverted, when he spoke of the Prince of Wales as having no strict legal right to be sole Regent. The right had been confounded with matters of preference, for the purpose of accommodating their arguments, and enforcing their designs.

Mr. Fox explained ; and declared, he did not mean to insinuate, that if a change of Administration took place with a change of power, that he was to be a member of it ; but if it were true, he could not conceive that those additional checks on the Regency would be so necessary as the idle and ill-founded apprehension of Mr. Pitt had stated.

*The Lord Advocate of Scotland* declared, that the general question of Right could not be waved, unless both Houses were ready to resolve, that the Prince of Wales should not only be Regent, but invested with all the royal powers, without limitation or distinction ; for, if a limitation of any kind was to be the subject of debate, it did not seem possible to avoid a previous discussion

of the Right. As to the question itself, he hoped it would be considered, that they were not met to deliberate upon a settlement of the kingdom of England alone. He thought it necessary to enquire into the constitution of England and of Scotland separately before the Union, and of Great Britain since. He had heard it very confidently affirmed, that, were the supposed inherent right of the Heir Apparent, to exercise the royal powers upon such occasions as the present, to be disallowed, the consequence would be, a virtual dissolution of the Union; the rule being fixed in Scotland in favour of such hereditary and legal claim of Right: but he should venture to assert, that the proposition had no real foundation. As to the appointment of a Regent, whatever his powers might be, the same had always been made in Scotland, as in England, under the sanction and authority of the States of the Kingdom, either previously given, or afterwards interposed; and sometimes the next heir of the Crown had been chosen, sometimes not; sometimes one Regent, and, at other times, more than one. Many of the Kings of Scotland having fallen in battle, and some by the hands of their subjects, when the power of the Aristocracy was too great, there had been more infant successions and more Regencies in Scotland, than in most other countries; and the States of the



Kingdom had repeatedly shewn, that they did not consider any individual whatever as having a fixed legal right to that office.

When the Maid of Norway succeeded her grandfather, Alexander III. six regents were appointed. In the infancy of James II. of Scotland, there was a regency of three. In that of James III. there was a regency of seven. In that of James III. the Duke of Chatelherault, the next presumptive heir of the Crown, claimed the office upon that ground; but his claim was disallowed, and first the Earl of Murray was appointed, and afterwards, probably, others, none of whom were in succession to the Crown.—It was of more consequence, however, to consider how that matter had been understood by the Legislature of Great Britain since the Union: and surely it was impossible to read the provisional acts of 24th George II. and 5th George III. without seeing clearly, that no right of administration was then supposed to attach upon any individual; though, in point of fitness and propriety, not a person in the kingdom would think of any other than the present Heir Apparent.

*Mr. Milne* (Member for York) gave his cordial support to the Minister. He lamented the change that was soon likely to happen; and declared, that whenever the period arrived that the Right Honourable Gentleman (*Mr. Fox*)

got into power, they would not find a weak Administration, and a mild Government,—but a bold Administration, and an arbitrary Government.

*The Solicitor General* rose, and said, no man could vote on the present question, without considering his allegiance to his Sovereign. We all agree, said Sir John Scott, that his Royal Highness should be Regent, but differ in opinion about the right requisite. He corroborated Mr. Pitt's argument, by affirming, that, with regard to his Royal Highness's right, it was no more than that of any other individual; that it was a gift of expediency granted him by Parliament; that, as we had at present a King, although unfortunately incapable of exercising the royal authority, the Prince himself was only a subject; that his Majesty's indisposition was of a temporary nature, which, perhaps, would not longer preclude him from exercising his authority, than a fever might preclude the successor, about whose rights they were at present contending.—(*Here he was called to order.*)—The King, who acceded to his throne in 1761, is still on the throne in the year 1788; therefore a law in any Court, acknowledging his supremacy, although Gentlemen might call such a mode of reasoning metaphysical, entailed on transgressors at present the effects and penalties of that law.

law. With regard to what had been advanced by the Right Honourable Gentleman, that the physicians had declared his Majesty incapable, he thought the argument absurd ; as, in the eye of the law, we cannot believe the King's physicians. It was his opinion, that the Prince of Wales should be fully invested with every authority requisite for managing the public business with energy and effect ; but, recollecting that there was still a King, he thought, that the powers of the Regent ought to be circumscribed.

*Mr. Drake* said, he rose to express his opinion on a subject that had long agitated his mind. If, by laying down his life to-night, he could serve his country, he was ready to do it. It had been long his glory and his pride to support the measures in general of the Right Honourable and magnanimous Gentleman who proposed the resolution ; and he dreaded no political event so much as the change of the present Administration. The topic of debate, he said, might be compressed into a nut-shell. He was afraid he was now on the awkward side of the question, but thought the resolution proper, as an ultimate decision of the claim of Right.

The Committee now divided on the motion,  
That the Chairman report progress, when there  
appeared,

Ayes,	204
Noes,	268

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Majority 64

The Second and Third Resolutions were then  
severally put and carried; and the House was  
resumed, and adjourned.



A N  
A U T H E N T I C L I S T  
O F T H E  
M E M B E R S,

Who voted FOR and AGAINST Mr. PITT's MOTION.

*London*, ALDERMAN WATSON, in the Chair.

*For the question.*

*Against the question.*

<i>Abingdon,</i>		E. L. Loveden, Esq.
<i>Azmondesham,</i>	William Drake, jun. Esq.	
<i>St. Alban's,</i>	William Gimston, Esq.	Wm. Charles Sloper, Esq.
<i>Alborough, Suffolk,</i>		P. C. Crespigny, Esq.
		Samuel Salt, Esq.
<i>Aldbrough, Yorkshire,</i>	Sir R. Pepper Arden	
	J. Galley Knight, Esq.	
<i>Andover,</i>	William Fellowes, Esq.	
	Benjamin Lethieullier, Esq.	
<i>Anglesea,</i>	Nicholas Bayley, Esq.	
<i>Appleby,</i>	Hon. J. L. Gower	
<i>Arundel,</i>		Thomas Fitzherbert, Esq.
		Richard Beckford, Esq.
<i>Ashburton,</i>	Robert Mackreth, Esq.	
<i>Aylesbury,</i>	Sir Thomas Hallifax	William Wrightson, Esq.
<i>Barnstaple,</i>	William Devaynes, Esq.	John Cleveland, Esq.
<i>Bath,</i>	Lord Viscount Bayham	Abel Moysey, Esq.
<i>Beaumaris,</i>	Sir Hugh Williams, Bart.	
<i>Bedfordshire,</i>		Earl of Upper Ossory
		Hon. St. Andrew St. John
<i>Bedford,</i>	Samuel Whitbread, Esq.	William Colhoun, Esq.
<i>Bedwin,</i>	Marquis of Graham	
	Lieutenant Col. Manners	
<i>Beralsston,</i>		Lord Viscount Fielding
		<i>Berkshire,</i>

*For the Question.*

*Against the Question.*

<i>Berkshire,</i>	George Vanhutat, Esq. Henry James Pye, Esq.	
<i>Berwick,</i>		Hon. General Vaughan Sir Gilbert Elliot, Bart.
<i>Beverley,</i>	Sir J. Pennymann, Bart.	
<i>Berodley,</i>	Lord Westcote	
<i>Bishop's Castle,</i>		William Clive, Esq. Henry Strachey, Esq. John Kenrick, Esq. Sir Robert Claxton, Bart. Sir John Mershead, Bart. Thomas Aunt, Esq.
<i>Blechingly,</i>		Viscount Palmerston
<i>Balmyn,</i>		
<i>Boroughbridge,</i>	Sir Richard Sutton, Bart.	
<i>Bossiney,</i>	Matthew Montagu, Esq. Hon. Charles Stuart	
<i>Boston,</i>		Sir Peter Burrell
<i>Brackley,</i>	Colonel Egerton Timothy Caswall, Esq.	
<i>Bramber,</i>	Sir H. G. Calthorpe, Bart. Major Hobart	
<i>Breconshire,</i>		Sir Charles Gould
<i>Brecon,</i>		Charles Gould, Esq.
<i>Bridgenorth,</i>	J. H. Browne, Esq.	Thomas Whitmore, Esq.
<i>Bridgewater,</i>	Sir Alexander Hood, K. B. Robert Thornton, Esq.	
<i>Bridport,</i>		Thomas Scott, Esq. Charles Sturt, Esq.
<i>Bristol,</i>	Matthew Brickdale, Esq.	
<i>Buckinghamshire,</i>	Rt. Hon. W. W. Grenville	
<i>Buckingham,</i>	Edmund Nugent, Esq.	
<i>Callington,</i>	John Call, Esq.	
<i>Calne,</i>	Joseph Jekyll, Esq.	
<i>Cambridgeshire,</i>	Philip Yorke, Esq.	
<i>Cambridge University,</i>	Right Hon. William Pitt Lord Euston	
<i>Cambridge, Town of</i>	Francis Dickens, Esq.	
<i>Camelford,</i>		James Macpherson, Esq. Sir Samuel Hannay, Bart.
<i>Canterbury,</i>	George Gipps, Esq. Charles Robinson, Esq.	

*For the question.*

*Against the question.*

<i>Cardiff,</i>			Sir H. Mackworth, Bart.
<i>Cardiganshire,</i>			Earl of Lisburne
<i>Cardigan,</i>			John Campbell, Esq.
<i>Carlisle,</i>	John Christian, Esq.		Rowl. Stephenson, Esq.
<i>Caermarthen,</i>			John G. Phillips, Esq.
<i>Castle Rising,</i>	Walter Sneyd, Esq.		
	Charles Boone, Esq.		
<i>Cheshire,</i>	Sir R. S. Cotton, Bart.	John Crewe, Esq.	
<i>Chester,</i>	Thomas Grosvenor, Esq.		
	R. W. Bootle, Esq.		
<i>Christchurch,</i>		Sir John Frederick, Bart.	
		Hans Sloane, Esq.	
<i>Chichester,</i>	George W. Thomas, Esq.		
<i>Chippingham,</i>	George Fludyer, Esq.	James Dawkins, Esq.	
<i>Cirencester,</i>	Lord Apsley		
	Richard Master, Esq.		
<i>Clitheroe,</i>		Thomas Lister, Esq.	
		John Lee, Esq.	
<i>Cockermouth,</i>		J. C. Satterthwaite, Esq.	
		Humphrey Senhouse, Esq.	
<i>Colchester,</i>		Sir Robert Smyth, Bart.	
<i>Corff Castle,</i>	John Bond, jun. Esq.		
	Henry Bankes, Esq.		
<i>Cornwall,</i>	Sir William Lemon. Bart.	Sir W. Moleworth, Bart.	
<i>Coventry,</i>	Sir Sampson Gideon, Bart.		
	John Wilmot, Esq.		
<i>Cricklade,</i>	Robert Nicholas, Esq.	J. Walker Heneage, Esq.	
<i>Cumberland,</i>		Sir Henry Fletcher, Bart.	
		William Lowther, Esq.	
<i>Dartmouth,</i>	Richard Hopkins, Esq.		
<i>Denbighshire,</i>		Sir W. W. Wynn, Bart.	
<i>Denbigh,</i>		Richard Myddleton, Esq.	
<i>Derbyshire,</i>		Lord George Cavendish	
		Edward M. Mandy, Esq.	
		Lord G. A. H. Cavendish	
		Edward Coke, Esq.	
<i>Derby,</i>		John Pol. Bastard, Esq.	
<i>Devonshire,</i>	John Rolle, Esq.		
<i>Dorsetshire,</i>	Francis J. Browne, Esq.		
<i>Dorchester,</i>		Honourable George Damer	
		William Ewer, Esq.	

*Dover,*

*For the Question.*

*Against the Question.*

<i>Dover,</i>	Robert Preston, Esq.	
<i>Downton,</i>	Robert Shaftoe, Esq.	Honourable W. S. Conway
<i>Droitwich,</i>		Honourable Andrew Foley
		Edward Winnington, Esq.
<i>Dunwich,</i>	Barne Barne, Esq.	Sir. G. W. Vanneck, Bart.
<i>Durham, County of,</i>		Sir John Eden, Bart.
<i>Durham,</i>		John Tempest, Esq.
		Wm. H. Lambton, Esq.
<i>East Loec,</i>	Alexander Irvine, Esq.	
	Lord Viscount Belgrave	
<i>St. Edmund's Bury,</i>	Lord Charles Fitzroy	Sir Charles Davers, Bart.
<i>Essex,</i>	Tho. B. Bramston, Esq.	
<i>Evesham,</i>	Sir John Rushout, Bart.	
	Char. W. B. Rouse, Esq.	
<i>Exeter,</i>	John Baring, Esq.	Sir C. W. Bampfylde, Bart.
<i>Eye,</i>	General Phillipson	
	Major General Bathurst	
<i>Flintshire,</i>		Sir Roger Mostyn, Bart.
<i>Fleet,</i>	Major W. Williams	
<i>Fowey,</i>	Philip Rathleigh, Esq.	
	Hon. Richard Edgcombe	
<i>Gatton,</i>	James Frazer, Esq.	
<i>St. Germain's,</i>	J. James Hamilton, Esq.	
	Samuel Smith, Esq.	
<i>Glamorganshire,</i>	Charles Edwin, Esq.	
<i>Glocestershire,</i>	Honourable Capt. Berkeley	
	Thomas Master, Esq.	
<i>Glocester,</i>		John Webb, Esq.
<i>Grampond,</i>	Francis Baring, Esq.	
<i>Grantham,</i>	George Sutton, Esq.	
<i>East Grimsby,</i>		John Harrison, Esq.
		Dudley Long, Esq.
<i>East Grinstead,</i>	George Medley, Esq.	
<i>Guildford,</i>	Hon. Thomas Onslow	Honourable General Norton
<i>Hampshire,</i>	Robert Thistlethwaite, Esq.	Jervoise C. Jervoise, Esq.
<i>Harwich,</i>	John Robinson, Esq.	
<i>Hastmere,</i>		John B. Garforth
		John Lowther, Esq.
<i>Hastings,</i>	John Stanley, Esq.	
	John Dawes, Esq.	



*For the question.*

*Against the question.*

<i>Hatfield,</i>	James B. Buages, Esq.	Roger Wilbraham, Esq.
<i>Herefordshire,</i>	Right Hon. Thomas Harley	Sir George Cornwall, Bart.
<i>Hereford,</i>		John Scudamore, Esq.
		James Walwyn, Esq.
<i>Hertfordshire,</i>	Lord Viscount Glimston	William Plumer, Esq.
<i>Hertford,</i>	Baron Dimsdale	
	John Calvert, Esq.	
<i>Heydon.</i>	Lionel Dorell, Esq.	
<i>Heytesbury,</i>		W. P. A'Court, Esq.
<i>Higham Ferrers,</i>		Right Hon. F. Montagu
<i>Higworth,</i>	Sir C. F. Ratcliffe, Bart.	William Evelyn, Esq.
<i>Hindon,</i>	William Egerton, Esq.	
<i>Hinton,</i>	Rt. H. Sir G. Yonge, K.B.	Sir George Collier
<i>Horsham,</i>	Jer. Crutchley, Esq.	
	Phil. Metcalfe, Esq.	
<i>Huntingdonshire,</i>	Lord Visc. Hinchinbroke	Earl Ludlow
<i>Huntingdon,</i>		Sir Walter Rawlinson
		John Willett Payne, Esq.
<i>Ichester,</i>	Benj. Bond Hopkins, Esq.	
	George Sumner, Esq.	
<i>Ipswich,</i>	C. Alex. Crickett, Esq.	William Middleton, Esq.
<i>St. Ives,</i>	William Praed, Esq.	
<i>Kent,</i>	Hon. Charles Marsham	Filmer Honeywood, Esq.
<i>King's Lynn,</i>		Hon. Horatio Walpole
<i>Kingston upon Hull,</i>	Samuel Thornton, Esq.	
	W. Spencer Stanhope, Esq.	
<i>Knareborough,</i>		Lord Viscount Duncannon
<i>Lancashire,</i>	John Blackburne, Esq.	Thomas Stanley, Esq.
<i>Lancaster,</i>		Sir George Warren, K. B.
		Ab. Rawlinson, Esq.
<i>Launceston,</i>	Lord Arden	Sir John Swinburne, Bart.
<i>Leicestershire,</i>	J. Peach Hungerford, Esq.	
	William Pechin, Esq.	
<i>Leicester,</i>	Colonel Macnamara	
	Charles Lor. Smith, Esq.	
<i>Leominster,</i>	John Hunter, Esq.	
	Penn A. Curzon, Esq.	
<i>Leskeard,</i>	Hon. Edward James Elliot	
	Honourable John Elliot	
<i>Lestwithiel,</i>	John Thomas Ellis, Esq.	Sir John Sinclair, Bart.

*For the Question.*

*Against the Question.*

*Lewes,  
Lincolnshire,*

Thomas Kempe, Esq.

Honourable Henry Pelham  
Sir John Thotold, Bart.  
C. Anderson Pelham, Esq.

*Lincoln,  
Litchfield,  
Liverpool,  
London,*

John F. Cawthorne, Esq.

Hon. R. L. Saville  
George Anson, Esq.

Bamber Gascoyne, Esq.  
Sir Watkin Lewes

Lord Penrhyn  
Nath. Newnham, Esq.  
John Sawbridge, Esq.

*Ludlow,*

Lord Clive

Richard P. Knight, Esq.

*Luggershall,*

George Aug. Selwyn, Esq.

Nath. W. Wraxall, Esq.

*Lyme Regis,*

Honourable Thomas Fane

Honourable Henry Fane

*Lymington,*

Robert Colt, Esq.

George Rose, Esq.

*Maidstone,*

Matthew Bloxham, Esq.

Clement Taylor, Esq.

*Malden,*

John Strutt, Esq.

Sir Peter Parker, Bart.

*Malmesbury,*

Lord Viscount Melbourne

Lord Viscount Maitland

*Malton,*

Right Hon. Edm. Burke

William Weddell, Esq.

*Marlborough,*

Earl of Courtown

Sir Philip Hailes, Bart.

*Marlow,*

Sir Thomas Rich, Bart.

William Clayton, Esq.

*St. Mawes,*

Hugh Boscawen, Esq.

William Young, Esq.

*St. Michael,*

Christopher Hawkins, Esq.

David Howell, Esq.

*Midhurst,*

Henry Drummond, Esq.

Edward Cotsford, Esq.

*Middlesex,*

William Mainwaring, Esq.

*Milbourn Port,*

Lord Muncaster

Colonel W. Popham

*Minehead,*

Robert Wood, Esq.

*Monmouthshire,*

Major General Rooke

John Morgan, Esq.

*Monmouth,*

Marquis of Worcester

*Montgomeryshire,*

Wm. Mostyn Owen, Esq.

*Montgomery,*

Whitshed Keene, Esq.

*Morpeth,*

Peter Delme, Esq.

Sir James Erskine, Bart.

*Newark,*

Lieut. Colonel John Sutton

Lord Mulgrave

*Newcastle.*

*For the Question.**Against the Question.*

<i>Newcastle under Lyne,</i>	Sir Archibald Macdonald	
	Richard Vernon, Esq.	
<i>Newcastle upon Tyne,</i>	Charles Brandling, Esq.	Sir M. W. Ridley, Bart.
<i>Newport, Cornwall,</i>		Sir John Miller, Bart.
<i>Newport, Hants,</i>	Hon. John Townshend	Edward Rushworth, Esq.
<i>Newton, Lancashire,</i>	Thomas Brooke, Esq.	Thomas P. Leigh, Esq.
<i>Newton, Hants,</i>	John Barrington, Esq.	
	Mark Gregory, Esq.	
<i>Norfolk,</i>	Sir John Wodehouse, Bart.	Sir Edward Ashley, Bart.
<i>Northallerton,</i>	Henry Peirse, Esq.	
	Edwin Lascelles, Esq.	
<i>Northamptonshire,</i>	Sir James Langham, Bart.	Thomas Powys, Esq.
<i>Northumberland,</i>		Sir Wm. Middleton, Bart.
		Charles Grey, Esq.
<i>Norwich,</i>	Hon. Henry Hobart	Right Hon. W. Windham
<i>Nottinghamshire,</i>		Lord E. C. Cav. Bentinck
		C. Meadows Pierpoint, Esq.
<i>Nottingham,</i>	Robert Smith, Esq.	Dan. P. Coke, Esq.
<i>Oakhampton,</i>	Humphry Minchin, Esq.	Lord Viscount Malden
<i>Orford,</i>		Hon. G. Seymour Conway
<i>Oxfordshire,</i>		Lord Charles Spencer
<i>Oxford,</i>		Lord Robert Spencer
		Hon. Peregrine Bertie
<i>Oxford University,</i>	Sir William Dolben, Bart.	Francis Page, Esq.
<i>Pembroke,</i>		Hugh Owen, Esq.
<i>Penrhyn,</i>		Sir John St. Aubyn, Bart.
<i>Peterborough,</i>		Richard Benyon, Esq.
		Hon. Lionel Damer
<i>Petersfield,</i>		Lord Viscount Downe
		William Jolliffe, Esq.
<i>Plymouth,</i>	Robert Fanshaw, Esq.	John Macbride, Esq.
<i>Plympton,</i>	John Stephenson, Esq.	
	John Pardoe, jun. Esq.	
<i>Pontefract,</i>	John Smyth, Esq.	
	William Sotheron, Esq.	
<i>Poole,</i>	William M. Pitt, Esq.	Mich. A. Taylor, Esq.
<i>Portsmouth,</i>	Hon. W. Cornwallis	Sir H. Featherstone, Bart.
<i>Preslon,</i>	Sir H. Houghton, Bart.	Right Hon. Gen. Burgoyne
<i>Queenborough,</i>	George Bowyer, Esq.	
	John Aldridge, Esq.	

*Radnorshire:*

	<i>For the Question.</i>	<i>Against the Question.</i>
<i>Radnorshire,</i>	Thomas Johnes, Esq.	
<i>Reading,</i>	Francis Annesly, Esq.	
	Richard A. Neville, Esq.	
<i>East Retford,</i>	Earl of Lincoln	Wharton Amcotts, Esq.
<i>Richmond,</i>		Earl of Inchiquin
		Sir Grey Cooper, Bart.
<i>Rippon,</i>		William Lawrence, Esq.
<i>Rocheſter,</i>	Sir C. Middleton, Bart.	
<i>New Romney,</i>	John Henniker, Esq.	
	Rich. J. Sullivan, Esq.	
<i>Rutlandſhire,</i>	G. B. Brudenell, Esq.	Ger. Noel Edwards, Esq.
<i>Rye,</i>	Rt. Hon. C. W. Cornewall,	William Dickenson, Esq.
	<i>Speaker</i>	
<i>Ryegate,</i>	Wm. Bellingham, Esq.	
	Reginald Pole Carew, Esq.	
<i>Salop,</i>	John Kynaston, Esq.	
<i>Saluſt,</i>		Major Lemon
<i>Sandwich,</i>	Philip Stephens, Esq.	
	Charles Brett, Esq.	
<i>New Sarum,</i>	Hon. W. H. Bouverie	William Huſſey, Esq.
<i>Old Sarum,</i>	Right Hon. J. C. Villiers	
	George Hardinge, Esq.	
<i>Scarborough,</i>	Earl of Tyrconnell	
	George Osbaldeſton, Esq.	
<i>Seaſord,</i>		Sir Godfrey Webſter
<i>Shaſteſbury,</i>	Hans W. Mortimer, Esq.	
	John Drummond, Esq.	
<i>Shoreham,</i>	John Peachey, Esq.	
<i>Shrewſbury,</i>	John Hill, Esq.	
<i>Somerſetſhire,</i>	Edward Phelps, Esq.	
<i>Southampton,</i>	John Fleming, Esq.	
	James Amyatt, Esq.	
<i>Southwark,</i>	Henry Thornton, Esq.	
	Paul Le Meſurier, Esq.	
<i>Staffordſhire,</i>	Lord Gower	
	Sir Edward Littleton, Bart.	
<i>Stafford,</i>		Hon. Edward Monckton
		R. B. Sheridan, Esq.
<i>Stamford,</i>	Sir George Howard, Bart.	
	Henry Cecil, Esq.	



*For the Question.*

*Against the Question.*

<i>Steyning,</i>	Hon. Richard Howard	
<i>Stockbridge,</i>	James Gordon, jun. Esq:	T. Boothby Parkyns, Esq.
<i>Sudbury,</i>	William Smith, Esq.	
	John Langston, Esq:	
<i>Suffolk,</i>	Sir John Rous, Bart.	
	Joshua Grigby, Esq.	
<i>Surry,</i>	Sir Joseph Mawbey, Bart.	Hon. William Norton
<i>Suffex,</i>	Lord George Lenox	Hon. Thomas Pelham
<i>Tamworth,</i>	John Calvert, jun. Esq.	John Courtenay, Esq.
<i>Tavistock,</i>		Rt. Hon. R. Fitzpatrick
		Lord John Russell
<i>Taunton,</i>	Alexander Popham, Esq.	
	Sir Benjamin Hammett	
<i>Thetford,</i>	Sir Charles Kent, Bart.	
	George Jennings, Esq.	
<i>Thirsk,</i>	Sir G. P. Turner, Bart.	Robert Viner, Esq.
<i>Tiverton,</i>	Hon. Dudley Ryder	
<i>Totness,</i>	Hon. Colonel Phipps	
<i>Tregony,</i>		Robert Kingsmill, Esq.
		Hon. Hugh Conway
<i>Truro,</i>	Hiley Addington, Esq.	
	Colonel Boscawen	
<i>Wallingford,</i>	Sir Francis Sykes, Bart.	
<i>Wareham,</i>	Thomas Farrer, Esq.	John Calcraft, Esq.
<i>Warwickshire,</i>	Sir Robert Lawley, Bart.	
	Sir George A. W. Shuck-	
	burgh, Bart.	
<i>Warwick,</i>		Robert Ladbroke, Esq.
<i>Wells,</i>	Clement Tudway, Esq.	
<i>Wendover,</i>		Robert Burton, Esq.
		John Ord, Esq.
<i>Wenlock,</i>		Sir H. Bridgeman, Bart.
		George Forrester, Esq.
<i>Weobly,</i>	Sir John Scott	
	Hon. Thomas Thynne	
<i>Westbury,</i>	Samuel Estwick, Esq.	
	John Madocks, Esq.	
<i>West Looe,</i>	Major John Scott	
	James Adams, Esq:	

*For the Question.*

*Against the Question.*

*Westminster,*

Right Hon. C. J. Fox

*Westmoreland,*

Lord John Townshend

*Weymouth and Mel-  
comb Regis,*

Sir M. Le Fleming, Bart.

*Whitchurch,*

William Selwyn, Esq.

John Lowther, Esq.

*Wigan,*

Right Hon. Welbore Ellis

John Purling, Esq.

Lord Viscount Middleton

John Cotes, Esq.

Orlando Bridgeman, Esq.

*Wilton,*

Lord Herbert

*Winchelsea,*

John Nesbitt, Esq.

*Winchester,*

Rich. Gammon, jun. Esq.

Henry Penton, Esq.

*Windsor,*

Earl of Mornington

*Woodstock,*

Sir H. W. Dashwood, Bart.

Francis Burton, Esq.

*Worcestershire,*

Hon. Edward Foley

*Worcester,*

Samuel Smith, Esq.

*Wootton Bassett,*

Hon. Colonel North

Hon. Robert S. Conway

*Chipping Wycombe,  
Yarmouth, Norfolk,*

Robert Waller, Esq.

Sir John Jervis, K. B.

Henry Beaufoy, Esq.

*Yarmouth, Hants,*

Philip Francis, Esq.

Thomas Jer. Clarke, Esq.

*Yorkshire,*

Henry Duncombe, Esq.

William Wilberforce, Esq.

*York,*

Rich. Slater Milnes, Esq.

Lord Galway

S C O T L A N D.

*Aberdeenshire,*

George Skeene, Esq.

*Aberdeen, &c.*

Sir David Carnegie, Bart.

*Argyleshire,*

Lord F. Campbell

*Banffshire,*

Sir James Duff, Bart.

*Berwickshire,*

Pat. Home, Esq.

*Bute and Caithness,*

Hon. Col. J. Stuart

*Clackmannan,*

Burnet Abercrombie, Esq.

*Graill, Pitten-  
weism, &c.*

}

John Anstruther, Esq.

*Cupar,*

*For the question.*

*Against the question.*  
George Dempster, Esq.

Cupar, Dundee, &c.		
Dumbarton, Glasgow, &c.	} Ilay Campbell, Esq.	
Dumfriesshire,		Sir Robert Laurie, Bart.
Edinburghshire,	Right Hon. Henry Dundas	
Edinburgh,	Sir Adam Ferguson, Bart.	
Elginshire,	Earl of Fife	
Fifehire,	Colonel Wemyss	
Forfarshire,	Archibald Douglas, Esq.	
Haddingtonshire,	John Hamilton, Esq.	
Invernesshire,	Lord William Gordon	
Inverness,	Sir Hector Munro, K. B.	
Irvine, Inverary, &c.	} Sir A. Edmonston, Bart.	
Kincardineshire,		R. Allardice Barclay, Esq.
Kirkcudbright Stewartry,	}	Alexander Stewart, Esq.
Kinghorn, &c.		Sir Charles Preston, Bart.
Lanarkshire,	Sir James S. Denham, Bart.	
Lauder, &c.		Colonel Fullarton
Linlithgowshire,		{ Sir William A. Cunnyng- hame, Bart.
Nairnshire,	Alexander Brodie, Esq.	
Orkney, &c.		Colonel Dundas
Peebleshire,	David Murray, Esq.	
Perthshire,	Hon. General Murray	
Renfrewshire,		John Shaw Stewart, Esq.
Rossshire,		F. H. Mackenzie, Esq.
Roxburghshire,	Sir George Douglas, Bart.	
Selkirkshire,	Mark Pringle, Esq.	
Selkirk, &c.	Major Moore	
Stirlingshire,		Sir Thomas Dundas, Bart.
Sutherlandshire,	Lieut. General Grant	
Wigtonshire,	Andrew M'Dowall, Esq.	

T E L L E R S.

<i>For the question:</i>	Thomas Steele, Esq. Member for Chichester.
<i>Against the question.</i>	William Adam, Esq. Member for Banff, &c.

Paired off for the question.

<i>Buckingham,</i>	Right Hon. James Grenville
<i>Calne,</i>	Right Hon. Isaac Barre
<i>Kirkwall, &amp;c.</i>	Charles Ross, Esq.
<i>Shropshire,</i>	Sir Richard Hill, Bart.

Paired off against the question.

<i>Banbury,</i>	Lord North
<i>Dumbartonshire,</i>	Keith Elphinstone, Esq.
<i>Wilton,</i>	Right Hon. W. G. Hamilton
<i>Winchelsea,</i>	William Nedham, Esq.

The following Gentlemen were absent on *Tuesday* the 16th, but voted on Mr. DEMPSTER's Motion for an ADDRESS to the PRINCE OF WALES, on *Monday* the 22d.

	<i>Against the Motion.</i>	<i>For the Motion.</i>
<i>Beverley,</i>	Sir C. Sykes, Bart.	
<i>Bristol,</i>	Henry Cruger, Esq.	
<i>Caernarvonshire,</i>	John Parry, Esq.	
<i>Dartmouth,</i>	Edmund Bastard, Esq.	
<i>Devizes,</i>	Henry Addington, Esq.	
<i>Heidon,</i>	Edward Bearcroft, Esq.	
<i>Heydon,</i>	William Chaytor, Esq.	
<i>Haverfordwest,</i>	Lord Kensington	
<i>Ipswich,</i>	William Middleton, Esq.	
<i>Litchfield,</i>	Thomas Gilbert, Esq.	
<i>Orford,</i>		Lord Beauchamp
<i>Oxfordshire,</i>	Lord Wenman	
<i>St. Ives,</i>	Richard Barwell, Esq.	
<i>Saltaish,</i>	Charles Ambler, Esq.	
<i>Steyning,</i>	Sir J. Honeywood, Bart.	
<i>Tiverton,</i>	Sir John Duntz, Bart.	
<i>Worcestershire,</i>	William Lygon, Esq.	
<i>Windfor,</i>	P. P. Powney, Esq.	

The following Gentlemen have been prevented by Illness from attending the House during the present Session.

<i>Cambridgeshire,</i>	Sir H. Peyton, Bart.	<i>Somersetshire,</i>	Sir J. Trevelyan, Bart.
<i>Callington,</i>	Paul Orchard, Esq.	<i>Minthead,</i>	J. F. Luttrell, Esq.
<i>Roshester,</i>	Nathaniel Smith, Esq.	<i>Merionethshire,</i>	E. L. Vaughan, Esq.

THURSDAY,



THURSDAY, *December 18.*

Mr. *Chancellor Pitt* moved, “ that the order of the day, for receiving the report of the Committee appointed to take into consideration the state of the nation, be read.”

Colonel *Fitzpatrick* then rose, and moved, that the consideration of the report might be deferred till to-morrow, on account of the indisposition of a Right Honourable Gentleman (Mr. Fox). He had every reason to suppose that his Right Hon. Friend would be able to appear in his place on Friday, which would occasion no delay in the dispatch of public business. If the report had been considered this evening, it would have been carried into the House of Lords to-morrow, for their concurrence. They, however, would not have gone into the consideration of it till Monday. If the report was discussed to-morrow in the House of Commons, the Lords might receive it on Saturday, and go into it on Monday, in the same manner they would have done supposing they had received it on Friday. This, therefore would, in the end, occasion no delay, and Gentlemen would have one day more to turn this important business in their minds. He was certain the Right Honourable Gentleman (Mr. Pitt) would have no objection to any personal accom-

modation to so considerable a Member of that House as his Right Honourable Friend.

Mr. *Pitt* rose and observed, that the order of the day was to take into consideration the report of the Committee on the State of the Nation, that it might be sent to the other House for their concurrence. He, however, should be extremely happy to accommodate the Right Honourable Gentleman, or any other Gentleman in the House, and to shew them every personal civility, that was not inconsistent with the urgency of public business. He was the more disposed to do this, as there was a reasonable ground the Right Honourable Gentleman would be able to attend in his place to-morrow. The only disadvantage was, the House had the trouble of assembling, but this was unavoidable. As the report might be received by the House of Lords on Saturday, instead of Friday, and as they might go into it on Monday, this would not at all impede public business; and therefore he, for one, would acquiesce in the motion. He should be glad of the Right Honourable Gentleman's presence in every stage of this important business.

The House then adjourned to the next day.

FRIDAY,

FRIDAY, *December 19.*

When Mr. Alderman *Watson* had appeared at the bar with the report of the Committee on the State of the Nation, the question was put, “ that the report be brought up.”

Sir *John Sinclair* rose and declared, that no man more sincerely lamented the calamitous situation of his Majesty, or more ardently hoped for his speedy recovery. He was certain that the Right Honourable Gentleman (Mr. Pitt) was possessed of more manliness than to entrap the House by any resolutions which he had proposed. He should, however, feel himself extremely obliged to the Right Honourable Gentleman, if he would have the goodness to explain the means which he conceived most constitutional for the Lords and Commons to use in giving the Royal assent to a Regency Bill. Sir John expressed his apprehensions that the two Houses were intended to be called upon to exceed their constitutional powers ; and this was a time, he said, above all others, when every parliamentary proceeding should be clearly understood, and maturely considered.

The *Chancellor of the Exchequer* said, the Honourable Gentleman had done him but justice, in supposing he would bring forward nothing to entrap



the House, or to impose upon their understandings. It was his desire to explain, as fully as possible, the foundation and principles of all his resolutions, and the means by which the Lords and Commons ought to give the Royal assent to a bill, authorising the Prince of Wales to exercise the whole, or a part of the royal authority, during the present indisposition of his Majesty. He conceived, it would be most proper that the two Houses of Parliament should appoint a Commission under the Great Seal, who should be empowered to give the Royal assent to the bill that was to regulate the powers of the Regent.

Sir *John Sinclair* replied, that he had paid great attention to this very important subject, and had always conceived, that by an act passed in the time of Charles II. the two Houses of Parliament could exercise no legislative power whatever. He apprehended that the most constitutional way of proceeding in this business, was by addressing his Royal Highness the Prince of Wales to undertake the management of public affairs, during the present emergency.

Mr. *Powys* observed, that although he believed the stating of that on which his anxiety turned, was premature in this stage of the business, he would venture to intimate, that when the report should be brought up, he believed he might undertake to prove that the Right Honourable Gentleman's  
system



system was not founded either in precedent or law.

The report having been brought up, and the first resolution read and agreed to, the second was read ; when

Sir *Grey Cooper* said, it was extremely necessary for the House seriously to consider the situation and peculiar circumstances under which they had now met. They were at that moment assembled, but not as a Parliament. Agreeable to his Majesty's prorogation, they had met on the 20th of November. They were then at a loss what to do ; and after some hesitation, they had prudence enough to adjourn for a fortnight. Sir Grey gave an historical narrative of their meetings from the 20th of November down to this day ; he contended that they derived all their power, and all their authority, from necessity alone. If they went an inch farther, they exceeded the limit of their power and jurisdiction, which was most dangerous. At the glorious æra of the Revolution, Seymour, Finch, and the other leading men of that day did not *resolve to do*, but they *did* what they conceived to be constitutional, and included resolutions in their actions, and in the performance of their duty. He said, the precedent of the 32d of Henry VIth had been recommended as a precedent in point ; but he begged leave to observe, that the two Houses  
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of Parliament of that day were in the most dishonourable situation, and that every thing they did was under the impression of immediate force and irresistible influence. Sir Grey Cooper entered into a very clear, full, and able narrative of the history of Henry the VIth, in order to prove his position to the House, that Parliament, at that time, were not their own masters, but the mere creatures of the Protector.

He concluded with observing, that the pretensions of a Prince of Wales to the Regency, were, in the last debate, admitted and allowed by the first legal authority in the House. The Attorney General had declared, as his opinion, that though the Prince had no right, either by common or statute law, to assume or exercise the office of Regent, without the appointment of Parliament, yet he owned that his pretensions to that appointment were so strong and so unquestionable, from his high station and nearness to the crown, that those pretensions could not be denied or rejected, except for such causes as would almost justify a bill of exclusion, or, in other words, for such causes as would exclude him from the crown.

Mr. *Martin* said, he had given all the attention he was able to this very important subject, on a former day, during a debate of ten hours, and that he was so fatigued that he could not then deliver his sentiments on this subject. He, however,

ever conceived it to be a matter of such magnitude and importance, that no man should satisfy himself with giving a silent vote, but ought to express his sentiments upon it. The Right Honourable Gentleman on the opposite side of the House, the other evening, put him in mind of a scene in Shakespeare's Henry IV. where Falstaff is represented as informing all his friends in what manner they are to be provided for when the Prince should come to the crown, an event which was then daily expected. Though he had frequently voted with the Right Honourable Gentleman, yet if he were asked in which of the two Right Honourable Gentlemen (Mr. Fox or Mr. Pitt) he would place most confidence, he would have no difficulty to say, that he should repose most confidence in Mr. Pitt. The Right Honourable Gentleman (Mr. Fox) had too great a mind to be led away by avarice, or any of the lower passions; but, at the same time, he possessed rather too large a share of ambition, which led him to temporize, in order to get into power; and unless he had been actuated by this disposition at present, he would never have contended in that House, that the Prince of Wales had such a power as he had asserted. The conduct of the Right Honourable Gentleman near him, in this trying and delicate crisis, had been steady, disinterested, and noble. In short, such as, in his opinion, entitled him to the praise and confidence



dence of the public. The Right Honourable Gentleman was now about to retire, and he wished to speak of him as handsomely as he could. He hoped he never would be the head of a factious Opposition, but that he would keep a watchful eye over Administration.

The *Attorney General* again contended, that the common law knew no such person as a Regent. The common law only recognized three descriptions of governors of kingdoms, and these were, Kings, *Custodes Regni*, and King's Lieutenants. The *Custos Regni* was a *Pro Rex*, endowed with limited powers, which had been occasionally enlarged, and the power of bestowing benefices, and other specific exercises of authority given; and the Lord Lieutenant of Ireland was a living instance of the nature of the office of a King's Lieutenant. With regard to the King's preserving his political capacity entire, notwithstanding his illness, (he said) he should err with Lord Coke, with Chief Justice Hale, Mr. Justice Forster, and every other great legal authority, if he did not maintain that doctrine. He added, that in answer to an honourable Baronet (Sir Grey Cooper) he must beg leave to put in his plea, and tell him, that if he would give himself the trouble once more to look over a book, which the honourable Baronet had often consulted, Mr. Justice Forster's *Treatise on the Principles of the Constitution*, he would find that he was mistaken in



in one part of his argument. As to the honourable Baronet's account of the transactions in the reign of King Henry the Sixth, it seemed sufficient to answer, that at that time it was the law of the land that there was no privilege, nor was it till the reign of Elizabeth, when a statute was passed expressly for that purpose. The proceedings, therefore, that the Honourable Baronet had so strongly reprobated, with regard to the appeal to the Judges, in the case of the detention of the Speaker of the House of Commons, who had found that privilege would lay in the Speaker's case, and the reference of the Judges opinion to the House of Lords were not so extraordinary ; but let them be ever so worthy of censure, let Richard Duke of York be ever so great a tyrant, it served the better to support his reasoning, and the more to strengthen and confirm the precedent selected from that period ; because it proves, that in the worst of times, the transaction which the precedent stated had been constitutionally regular. To argue against all precedents, selected from troublesome times, was a sort of reasoning that he lamented ; and to pronounce that no precedent taken from such times was to be relied on, appeared like proceeding to the length of declaring that the Magna Charta ought not to be considered as an act of Parliament.

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Mr. *Windham* began with saying, that according to Shakespeare's *Macbeth*, the greatest secrets were sometimes brought to light by *magpies*. The Gentlemen upon that side of the House, to which he belonged, and to which the Honourable Member (Mr. Martin) referred, notwithstanding his severe and alarming reprehension of them, were of as good family, of as high rank, of as great abilities, and of as indubitable integrity, public and private, as any in the kingdom. He said, he subscribed to the opinion of his Right Honourable Friend in its fullest extent. He did not do this by precedent, for there was none; but he did it from strong analogy.—Shall the two Houses of Parliament have the power of disposing of the constitution? All the advantages that were proposed by an hereditary succession, applied as distinctly and directly to the case of a Regency, as to the case of a Crown. We had better have a line, a rule that was clear and perfectly ascertained, though in itself not the very best, than to have none at all. We now regard our monarchy as hereditary; but if the reasonings of the Right Honourable Gentleman (Mr. Pitt) are applied to it, from that moment it becomes a Republic; for according to the Minister's principles, the two Houses of Parliament, in a case like the present, may give away the country. If they assume this power, they have all the government that is enjoyed in France,

France, in Turkey, or in the most despotic government under heaven. According to this doctrine, the two Houses of Parliament possess all the powers of the three estates. He was convinced from the conduct of the Right Honourable Gentleman (Mr. Pitt), that he had been guided on this occasion entirely from present circumstances, and without any regard to posterity. They were told very truly by the Honourable Gentleman on the other side of the House, that in this question they ought not to take into their consideration the Prince at all, but ought to consider the question generally. He declared, he did not place great reliance on the reasoning of lawyers on such subjects; gentlemen of that profession were not always the best writers on constitutional questions; because, when they were under legal discussions, they were always flying to legal analogies. He said he did not like maxims which could not be comprehended, nor did he admire precedents drawn from times of such tumult and confusion, as those which distinguished the period from the appointment of the Duke of York to the Regency, in the latter part of Henry the Sixth; the fatal consequences which followed was a sufficient condemnation of the precedent.

Mr. *Martin* observed, that, as the Honourable Gentleman had accused him of not having spoken to the question, he appealed to the House as to that point. He only pretended to be a man  
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of plain understanding ; and if he could not reason so deeply as the Honourable Gentleman, it was not his fault. He was willing to impute the personal rude treatment of him rather to the heat of the moment, than to any intentional departure from that good breeding which made so essential a part of the Honourable Gentleman's character.

Mr. *Christian* professed, that he was sorry the question was brought forward at all ; but, as it had been brought forward, he thought it was the duty of the House to assert its rights, and decide upon them for the benefit of posterity.

Mr. *Hardinge* rose, and observed on the importance of the subject. He said, he had always understood, that, when the executive power ceased to act, it was the right and duty of the two Houses to supply the defect. He was ready to agree with the Honourable Gentlemen on the other side of the House, that no declaration of right, with respect to political questions, ought to be made, except when it was absolutely necessary. He was as averse to declarations of right as any man. He should take the liberty of stating, as clearly, shortly, and fairly as possible, this question of right. The Right Honourable Gentleman (Mr. Fox) had declared his meaning had been misrepresented, and he gave him full credit for that declaration. He had favoured the House with a second statement of his  
 opinion,



opinion, which he conceived to be this:—That from the moment the two Houses of Parliament had declared the King incapable of discharging the duties of his high station, from that instant a right attached in his Royal Highness the Prince of Wales to succeed to the royal authority during the King's indisposition, and no longer. The Right Honourable Gentleman had declared this as his opinion, in so fair and open a manner, as did him the greatest honour. He had told that House, and it was of great importance to attend to the information, that he had lived for a considerable time in habits of intercourse with the Heir Apparent, whose right he had so warmly espoused. Another circumstance, which he wished to impress upon the minds of the House was this:—It had been said, that no right had been claimed by the Heir Apparent, and that he had never asserted any right.—This was true; but yet the Prince had not specifically disclaimed it. It had been said, that the Prince ought to be appointed Regent, without limitations. If he was of this opinion, was it not fair and proper that he should be allowed to discuss the question of right, that he might see that the Prince had actually a right to succeed to the whole of the royal authority? And, on the other hand, if he should be of opinion, that the powers of the Regent ought to be limited, was it not proper and necessary to consider the question, and be con-

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vinced, that the Prince had no 'right to succeed without the consent of the two Houses of Parliament, and that consequently they might limit his authority in any way which might seem proper. It had been thrown out on a former day, that there was danger of a conflict between the two Houses; though he saw no appearance of it. He should take the liberty of touching on the fences and outlines of opinion of the Right Honourable Gentleman. He says, such a right must wait till the declaration of incapacity in the King by the two Houses. He said he was alarmed at this idea; because, perhaps, the converse of this proposition would also be maintained, that the surrender of the right would be the only proof of the royal capacity being restored. Another circumstance that struck him was, how it was possible that such a right must wait for the adjudication of the two Houses. The instant a right attaches in any man, he has that right of course, and exercises all the functions of it.

The case of an infant of nine months, upon the knee, the second child, the idiot or perpetual child, the case of captivity, absence, or sickness, were all cases in point. In the debate at the Revolution, all the incapacities arising from accident, and that of *delirium* by name, were an argument; and it was in that argument assumed, that no Regent existed of right, but the nation  
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had the sole power of appointing him. Without entering into a detail of precedents, he observed, first, that there is no instance of a sole Regent or Protector, though the next Heir, without fetters of some kind upon his power. In the second place, not a single Regent or Protector is to be found self-appointed, or accepted upon the footing of claim. Thirdly, there is but one who dreamed of this claim, as Heir, the Duke of Gloucester, in the time of Henry VI. and, in as fair a record as the annals of Parliament can boast, he is told that his claim is against *precedent, usage, and law*.

Mr. Hardinge took notice of two late cases, particularly that in the 24th of the late King, where the Prince of Wales had succeeded as Regent—but, according to the doctrine of Mr. Fox, the Duke of Cumberland ought to have succeeded, being then the nearest Heir, and at that time in the plenitude of his popularity.—They had often heard of a Lord Hardwicke, a Lord Mansfield, and of a Mr. York. Those great men had never conceived, that the Prince of Wales had that sort of right which was contended for by the Right Honourable Gentleman. He was fully convinced, that the Right Honourable Gentleman was the first who had ever held such an opinion. Mr. Hardinge said, he conceived the Revolution was a precedent in point. There the political, as well as natural

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capacity



capacity of the King was at an end, and the people had a right to supply the defect. At the Revolution, every one of these casual accidents were stated; and it was argued by our ancestors, that, in the case of those casual incapacities, there was a right in the two Houses of Parliament for providing in any one case. The first question then was, whether James had abdicated the throne? but it was the same as if the question had been, whether he was in a delirium?—Instead of appointing a Regent, as the throne was then vacant, they appointed a King.

He said, he had heard a Noble Lord (Lord North) with great pleasure on a former day, and was sorry he did not now see him in his place. That Noble Lord's memory seemed to be as vigorous as ever, and, as he believed, all his other intellectual powers were. He had then delivered as able, as animated, and as ingenious a speech as ever he had heard come from his Lordship. But in speaking of the Revolution, he was materially incorrect in almost every circumstance.—What did our ancestors do at that remarkable æra, said that Noble Lord. They proceeded directly to work, and proclaimed the Prince of Orange King. The Noble Lord said, the two Houses of Parliament could not legislate; but what did they do before King William was made King?—"The Lords Temporal and Spiritual, and the Commons of England, assembled



bled at Westminster, do resolve, that William and Mary be declared King and Queen, to hold the Crown to them during their lives, and the life of the survivor, the sole and full exercise of the royal power to be exercised by the Prince of Orange;" and then, in default of such issue, "the Crown should go to the Princess Sophia." This proved the two Houses of Parliament thought themselves strong enough to do this act, which the Right Honourable Gentleman must, according to his opinion, condemn as unconstitutional. He said, in point of strict law, the Throne was not then vacant; for James was King at that moment, and, in strict law, continued King to the end of his life. The government of Britain was hereditary; but, if the King misconducted himself, it then became elective.

The *mode* of enabling the regal power to be assumed, which one of the resolutions pointed out, had been called an assumption of the executive power, though it did not wear even the appearance of any such encroachment, by making provision, that a measure essential to the public safety, in the appointment of a temporary substitute, should have the form of the regal assent, while the King's *political* capacity was perfect; an assent, he owned, without a dissenting power—and a *name* of the regal hand or voice, but without the *will*. This had been called a *bungling and coarse fiction*; but he was not ashamed

of adopting it, in preference to the form of a legislative appointment used by the two Houses alone, though, in *substance*, he agreed, it was the same thing, as to the *right* of making an effectual provision for the defect, which right he considered as residing in those alone with whom the regal power itself originated.—In short, the measure proposed, as to the *right* of repairing the defect, as to the necessity of declaring it, and as to the *mode* of asserting it with effect, had obtained his deliberate and cordial assent.

Mr. *Anstruther* rose next, and contended, that the Prince of Wales was entitled to succeed, during his Majesty's indisposition, to the whole of the royal authority. His right resulted from his relative situation to the Royal Family, and from the peculiar interest the nation had in him, as well as from every principle of our Government. He defied any man to assign any other reason, why a monarchy should be hereditary but public utility; and did not public utility apply as strongly to a Regent, as in the case of succession to the Crown? If this was not the case, we must then come to the Right Honourable Gentleman (Mr. Pitt's) position, that the Prince of Wales had no better right to succeed to the office of Regent, than any other man in the kingdom. This doctrine would make the Regency perfectly a matter of canvassing. By the law of Scotland, an heir had a complete and present right

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to administer the affairs of his father. He confessed that a Crown was not a private estate, but this had a much stronger analogy to it than many of the precedents which had been mentioned had to the case under consideration. A great deal had been said about *Nemo est hæres inventis*; but this did not apply at all to the Prince of Wales. When this act for regulating the Regency passes, could it be said that it had received the royal assent? The report on their table contradicted such an idea.

Mr. Anstruther made a number of learned and judicious observations on the precedents that occurred in the time of Edward III. and Henry VI. —*Magna Charta*, he said, must be admired by all; because it supports the civil rights of every man in this country; but he did not see why, if a Regent could be chosen by Commission under the Great Seal, the government of the country might not be carried on under the Great Seal.

Mr. *Beaufoy* applied the spirit of the Revolution with much energy to the subject before the House; and concluded his speech with observing, that on the principles laid down by Gentlemen on the other side, the glorious Revolution must be considered as a profligate act of deliberate robbery and consummate injustice; for on such principles, the right to the crown was not in King William the Third, but in the Prin-



cess of Orange, in whom alone the claim of hereditary right was understood to reside. Parliament, therefore, under this idea, had usurped a power to which they had no pretence, and gave that to King William which they had no right to bestow. He declared it to be his honest opinion that, on every consideration of respect to the House, of the justice which is due to its Members, who ought on this occasion to be informed of the nature and extent of its authority, as well as on every consideration of the peace and tranquillity of *future times*, and of the great principles on which is founded that constitution which is *our* boast, and, if faithfully transmitted, will be *their* security; we are called upon to agree with the Committee, in declaring the rights which the resolution under consideration so strongly and emphatically asserts.

Mr. *Dempster* rose to propose an amendment to the second resolution, which, he contended, would rescue them from the greatest solecism he had ever witnessed. He declared, that he stood up as an independent man, connected with neither party; and the amendment which he had to propose, was an amendment of his own, without consultation, and without connivance; but such as it was he would move it, that he might at least endeavour to preserve the constitution from what appeared to him to be dangerous. His first amendment was, to leave out the word

“ right;”



“right;” because their best way of declaring their right was not to express it by a word, but by the exercise of it; and, with that view, he should further move to leave out the words, “in such manner as the exigency of the case may appear to require,” and insert, “by presenting an address to the Prince of Wales, Heir Apparent, and of full age, humbly beseeching him to take upon himself the administration of the civil and military government of the country, during the incapacity of his Majesty, and no longer.” He concluded with moving to leave out the word “right.”

Mr. *Courtenay* seconded the amendment.

The *Speaker* read the amendment, and put the question upon it.

Mr. *Poore*s conceived that the present question would turn merely on the word “*right*.” If any law existed, it ought to be, that the Prince of Wales should take upon himself the Regency; but there being no law, it would be more unconstitutional than the other mode of proceeding.

The question was put and carried, that the word “right” stand part of the Resolution. The question was then also put, that the words, “in such manner as the exigency of the case may appear to require,” stand part of the Resolution.

Mr. *Poore*s rose again, and said, if he had heard this amendment made three days ago, he should

should have been among the first to have risen to second it. He was not ashamed to confess his inclination to support the power and the rights of the crown, because, in truth, they were the power and the rights of the people, committed to the King, as a trust for their benefit. But he conceived the act which the Minister was now about to bring forth, was in a state of disguise, and would maim and mutilate the constitution.

Mr. Chancellor *Pitt*, having read the amendment, said, that the words “as Heir Apparent,” seemed to justify the Prince’s claim to right, and so, by an equivocal turn, to contradict the Resolution. Now, as he conceived that every part of the House would agree with him, that such a claim, if asserted, should not be asserted obliquely, and by a side wind, he thought it would be better that the Resolution stood as it did before. With regard to the question, whether the Prince of Wales, as Regent, should have the whole Royal power, or only a part, till that point was ascertained, it had better not be discussed; because, at any rate, the House ought not to be taken by surprise.

Mr. *Fox* declared, that he was not, by any means, inclined to look with approbation upon the circumstance of lending the question a new turn, without the House having a proper time to consider of it. He apprehended, from the words of the third Resolution, that one of the  
points

points was determined; not that he meant to say that he approved, he had contended against it; but having contended in vain, he should make his stand at another post. He was prepared to contend, that the third Resolution, by putting the two Houses into the capacity to pass a bill, did, what he had great doubts that the House could not do, antecedent to the declaring a Regent.

Mr. *Dempster* said, that he was willing to wave the words "Heir Apparent."

Mr. *Burke* remarked, that they did not, in the smallest degree, tend to overturn the Resolution; and that a person of full age was the fittest to be guardian of a person in a state of incapacity. The name of the Prince of Wales, when they considered who he was, was such, that he was certainly properly described in the amendment.

Mr. *Fox* thought that the House had decided this point already, at least he was convinced it had been carried against him, and to that decision he bowed. He asked whether the Right Honourable Gentleman might not wave the Resolution; for he should not wish, any more than the Right Honourable Gentleman, to apply a side wind to a question which had already received an express decision.

Mr. Chancellor *Pitt* answered, that he must still consider the third Resolution as connected with the second, and as describing the only constitutional



stitutional way of proceeding, to take the necessary measures in this important crisis.

Mr. *Burke* called upon the country gentlemen to be more careful how they voted in future. They might now see the consequences of blindly voting with a Minister for—they scarcely knew what. He wished to awaken their vigilance, that their honour and integrity might be preserved from danger, and that they might not be entrapped. One person had a scheme against their simplicity, which he had practised, step by step, till he had them so fast entangled, that they could not recede. The Right Honourable Gentleman had persuaded them to vote a first Resolution, and then a second, and now he told them they must vote a third.

Mr. Chancellor *Pitt* replied to Mr. *Burke*. He entreated the House to recollect, whether there was a moment of his political life in which he could be justly charged with what had now been attributed to him by the Right Honourable Gentleman. The third Resolution was, in his opinion, the only constitutional mode of carrying the second into effect. If any person could shew another equally constitutional, and better calculated to supply the existing deficiency, he was most ready to adopt it.

Mr. *Marshall* expressed his sincere wish that the country gentlemen would not be led away by the sophistry or the ingenuity of the great men on  
either



either side of the House. He begged to say, that after what he had heard in that House, and without doors, he thought it necessary for Parliament to declare, that it was their right and their duty to provide the means for supplying the defect in the exercise of the Royal authority. Neither, upon this occasion, could he avoid doing justice to the Right Honourable Gentleman (Mr. Chancellor Pitt), by declaring, that, throughout the whole of the business, he had not only conducted himself unexceptionably, but in a manner highly to his credit. He did not, he said, mean to insinuate that the Prince had no right. He had but clear common sense, but he could not help thinking, there was a more plain method of coming to the point; he meant the method pursued at the Revolution. The one, the plain way by address, the other, by petition. Why not go up with an address, and resort to the old word,—a word that answered every purpose at once,—*pray* his Royal Highness to accept the Regency? There being a cry of move! move! Mr. Marsham spoke of restrictions that had been talked of, and said, he thought that there ought to be none. The Prince's delicate situation ought to be considered. He felt it as much as them all, and with additional poignancy. It was evident, from the declaration that he had made in another place. For his part, he thought it the interest of the Prince of Wales,

in common with them all, to do every thing for the prosperity of the kingdom.

Mr. *Christian* declared, he scarcely knew which way to vote. He did not feel a disposition to shrink from his duty; but the possibility of voting away the rights of the Crown, under pretence of defending the rights of the people, staggered him.

Mr. *Rushworth* reprobated the declaration, that the Prince of Wales had no more right than any other individual subject.

Mr. *Harrison* said, the only objection they could have to placing his Royal Highness in that situation, must arise from an idea that he would not part with it when his Majesty should recover.

Mr. *Edwards* rose to declare his disapprobation of the second and third Resolutions, which he thought unsupported by the constitution; the true spirit of which did not acknowledge an elective right in the two Houses of Parliament, except in a case of absolute necessity, or allow any analogy to be just which suggested the propriety of almost impracticable measures, in preference to others which were easily attainable.

Sir *Matthew White Ridley* contended, that the restrictions, which some persons wished to lay on the Prince of Wales, were unknown to the constitution, and tended to create a fourth estate.

Mr. *Dempster* at length withdrew his amendment from the second Resolution, which was carried as it originally stood. He then moved to  
leave

leave out all the third Resolution from the word “determine,” and insert his amendment.

After some further conversation between Mr. Marsham, Mr. Fox, and the Chancellor of the Exchequer, it was agreed, on account of the lateness of the hour, and the probable length of the discussion which would be occasioned by bringing on the third Resolution, to postpone the consideration thereof until Monday; and the House adjourned accordingly.

MONDAY, *December 22.*

The *Chancellor of the Exchequer* moved, that the order of the day for resuming the consideration of the third Resolution contained in the report from the Committee on the State of the Nation might be read. It was accordingly read as originally moved, and then the amendment that had been moved by Mr. Dempster, to leave out all the words after the word “determine,” and insert, in lieu thereof, words to the following effect: “by presenting an address to his Royal Highness the Prince of Wales, humbly to beseech his Royal Highness to take upon himself the administration of the civil and military government of affairs, during the incapacity of his Majesty to exercise the sovereign authority, and no longer.”

Mr.

Mr. *Burke* rose in support of the amendment. He conceived the question before the House to be of the first importance. The government of this country was in a state of inactivity, and the business of the moment was to give it vigour, and restore it to all its functions. In doing this, however, there seemed to be much danger, and it was with caution that the House should move; for if it travelled out of the right road, if it stepped beyond the necessity of the case, he saw consequent calamity to the state, and almost certain destruction to the people.

In respect of the argument which was urged by a Right Honourable Gentleman on the other side the House, and which said, that the third Resolution was included in the second, he denied the position, and for the best reason in the world, because the analogy did not hold good; not that the one had his concurrence more than the other. They both went to one great point, which he should ever deprecate; a point which he trusted in his God; and in the good sense of the House, would never be put in a condition to remain on the journals as a precedent.

To this point he must beg the attention of Gentlemen, and look for the indulgence of the House.

The case of the government of this country bore a strong resemblance to that of a private estate.



estate. Would any gentleman who now was in his senses wish, if he was deprived of those senses, that the management of his property should go to his steward and his attorney, in preference to his heir at law? Is it natural to imagine that the relatives, and the heir apparent to the estate would submit to an usurpation of such power, or if it was transferred by any quirk or quibble, that they would not seek redress, and endeavour, by all possible means, to take it out of those rapacious hands into which it had so illegally and so unconstitutionally got? This ought to come home to the sensibility of every man, and make him feel for the kingdom what he would for himself. All that we held dear, as a constitution, was now at stake; for a blow was aimed at the foundation of our monarchy, which shook it to the center. The right of sovereign power, and the right of succeeding to that power, were the strong barriers of all our liberties—the great ramparts against *towering ambition*. In the catalogue of national dangers there was not one more to be dreaded than that of *a subject looking to supreme power*.

The idea thrown out by a Right Honourable Gentleman, that the Prince of Wales had no more right to the Regency than any other subject in the realm, astonished all mankind. Sensible persons wondered at this sudden degradation of the Heir Apparent, and looked naturally for

the argument which was to support such an assertion. But they found it not. The hereditary heir to the Crown no more entitled to direct the affairs of his father than the meanest subject in the King's dominions !! This was new doctrine—but as it was not the most popular in the world, it was thought proper to qualify it a little, and this heir, who had no more right than any other subject, was afterwards allowed to be the most proper person to hold the office of Regent ; but how was he to hold it ? he was to hold it under the most degrading of all circumstances, distrusted, without having given cause for suspicion, and curtailed of the exercise of its power, so as to make him subservient to Parliament. He was to serve in subordination to those, who, with the influence of the Crown, had destroyed the property of the Crown. He said, he should ask Gentlemen what would have been the situation of that crown, if the *death* of the body was equal to *that* of the mind ? Would not the Heir Apparent succeed to all the powers—to all the patronage, without a murmur of discontent ? Why then refuse him the stewardship during the incapacity of his father ? Is it to be supposed that he will injure his own property, or do any act as a Regent that he would be ashamed to avow as a King ? If we have a Regent, it must be a man with the inward feelings of a King, and not the *outward garb of Royalty* ; he must not be an *alien*,

a person foreign to the constitution in such cases ; he must not be a *black man, with great brows and a big wig, something awfully large in his features, and terrific in his looks.* We want not such *creations* of ministerial creatures to hold the sceptre, and make a *screw-press* of the Crown—a *bit of tin*—a *piece of wax*—a *lump of putty*—to mould and fashion as best suits their own purposes. If the House made such a thing as that Regent, he disclaimed all allegiance to it—it should have no devotion from him—he would not fall down and worship such a molten image of sovereignty—such a sceptered *Priapus*—such a state piece of ministerial mechanism. A Regent should be formed of other materials, if other materials were to be had—and that they were, every man must confess, who has ever heard of, or seen the Heir Apparent to the Crown. But the state architect, the ministerial carpenter thought otherwise ; and proposes to erect something of his own planning, a Regent with limitations. The good sense of the House, however, he trusted, would put a stop to this new pile, and give no assistance to a scaffolding, where the business could be completed without it. He seriously asked the Minister what he meant by *Restrictions*, and what these restrictions were to be ? This surely was a preliminary step that ought first to be made known, before any further proceeding went forward.



The idea of restrictions, he said, was erroneous in its principles. It was making the royal authority a creature of the House—it was saying to the Prince, Do you promise so and so, and put it out of your power, let their acts be ever so bad, to deprive the present Ministry of their patronage. Pray what was this but making the Minister Regent during the King's incapacity, and converting the Prince into a puppet, to be danced about as those ambitious gentlemen thought proper. There was no reason to fear that the Prince would refuse to be bound by any law which Parliament thought proper to impose; but it must be a Parliament legally called together, and that *legality* could never take place until the Regent was appointed. Let us then, said the Honourable Gentleman, appoint him as we ought to do, address him to accept the direction of the sceptre, and then, when we are constitutionally assembled, restrict him. King William was restricted after he came to the Crown, and other Kings since then, have submitted to the will of Parliament—indeed they cannot set their face against it at any time with success; and therefore we have no reason to think that the Prince should give a new example on the present occasion.

In respect to precedents, that was a matter on which much had been said; but he defied the House to produce one, wherein, when there was



an Heir Apparent of full age, any other but that Heir was exalted to the Regency.

As to going back as far as the Restoration or the Revolution, or the Henrys and Edwards and Richards, he saw not the least necessity for it.—The matter of *right* was a point on which much had been said; but it was the necessity, as he before said, which created the right.

There was one matter, which this Constitution held as an universal law.—If a King attempted to overturn its principles, or set up any doctrine contrary to the known and established laws, as James the Second did, then his title was forfeited, and all conspiracies, and every manner of means were held proper which could hurl him from the throne. It was not the idle talk of lawyers, it was not the physical nor the metaphysical opinion of the day, but the necessity of the moment, by which the House should be guided; and that necessity directed them to put the two Houses in the only constitutional state of activity which was fitting the occasion, a state to which they could only be called by an agreement to the resolution, as amended by his Honourable Friend.

He now attacked, with much force of irony, the Doctors of the Red, and the Doctors of the Purple Robe, who had so disagreed in their physics and their metaphysics; the Physicians declaring that the King was incapable of acting,

and the Judges declaring that law went on as if he was in perfect health. He turned the tables with great ingenuity on what had been said of the King's coming to his senses, and supposed his Majesty would ask, "Where is my authority?—Is this the way the sceptre is fettered?—Is it thus you treat the heir to my Crown?—Shew me a proper legal representative, and not *the phantom of royalty, in a black beetle-browed person, of stern and forbidding countenance, sitting on my throne.*"

Adverting next to the consideration of depriving the Prince of the power of bestowing honours, Mr. Burke remarked, that the fountain of honour had indeed, since the year 1784, profusely flowed!—He did not, however, mean to infer that this was wrong—But, if his Majesty had been thus bountiful, it could not be deemed extravagant to indulge his son a little in the same way. All kinds of proscriptions, he said, in cases similar to the present, were nonsensical, insane, and preposterous; as they deprived the executive power of an essential part of its functions—of the glorious opportunity of rewarding virtue. He just hinted at the case of Charles the Sixth of France, as analogous with the present; and concluded with advising the House to reflect upon the probability of convalescent sanity, and to bear in their remembrance the danger and possibility of a relapse.

The

The *Solicitor General* (Sir John Scott) made a most able reply to all that had been advanced by Mr. Burke. He said he had long been in the habit of witnessing the Right Honourable Gentleman's conduct, and he believed that his integrity was equal to his abilities, and his abilities of that kind which could not be surpassed. It was with concern, therefore, that he was obliged to differ in opinion with him, and to contend against sacrificing ancient maxims, that had the sanction of time, and the authority of constitutional spirit to give them validity. We were not now to forget that we had a King on the throne, and that that King was not incapacitated by law, however he might be incapable in fact. The day was yet to come, when such a melancholy matter was to undergo the investigation of Parliament, which the two Houses, without the third branch of the Legislature, could not deem themselves to be. This, as a senator, and this, as a lawyer, he could take upon him to say. It would, therefore, be highly illegal in the two Houses of Parliament to address the Prince of Wales, and give him the full powers of Regent, before they were capacitated to do so—nor would he, he said, wish to implicate himself in the guilt of any resolution which might so affect the Sovereignty ; for the King was yet a capable man in his political character, as the opinion of the Twelve Judges testified, by their carrying on



the business of the Courts every day, just with the same legality as if the King was in his most perfect state of capability ; and thus much he would say, that he should give his vote against the amended resolution on that very principle. Indeed it was fair and solid ground to proceed upon, when we saw that the Crown and its Monarch were not separated, and the sceptre was and must be annexed to all its authorities under Majesty, until a Parliament legally took it away ; which Parliament, as he said before, must consist of three, and not of two branches of legislature. He was well aware of the ingenuity with which this argument might be played off on the opposite side of the question, and how readily it would be asserted and advanced, that if the House had power to act in curtailing, or rather in limiting a Regency, it had power to appoint, the creation and limitation requiring similar authorities. To all this he should say, that the necessity of the case warranted the act, and that there was, by far, much less danger in the one than the other ; for, if the House proceeded at one step to invest the Regent with all regal powers, they certainly lay at his mercy immediately afterwards, and he could dissolve them, prorogue them, or refuse his assent to any bill which went to the purpose of limiting him.

In respect to what had been said of the Constitution, he always conceived that its forms were  
its



its substance, and that neither the Henrys, nor the Richards, nor any other precedents, but the necessity of the case, was what we ought to look up to—which necessity, in his opinion, warranted every step which had been taken.

As to the House appointing a Regent with full powers, by addressing him at once to take upon him that important office, he must again say, that such conduct would be against all precedent, all law, and all constitution. To do this we must get rid of the trumpery of justice, and set up a new standard of rectitude; but if we are not led astray by wild chimeras of new springing power, we must follow this maxim—*the right which necessity creates, necessity limits*—If we do not, we may get into confusion as fast as possible,—overturn the Constitution, create new authorities, parcel out the old places, and make Bishops of Atheists.

The present question went not to deprive the Crown of its hereditary successor, or to curtail any of the privileges of the Heir Apparent. It went merely to the nomination of a proper person to act as Regent, and give vigour to the executive part of Government; and whether this was by the Heir Apparent or the Presumptive Heirs, was not the matter in agitation. But Gentlemen on the opposite side of the House appeared as if they wished to jumble two questions together, which, to all intents and purposes,  
were

were separate. It, however, was the business of the House to discriminate on this occasion, and only to attend to that which was immediately before them. Thus much, however, he could say, that, if the Great Seal had been put to a commission to open the present Parliament, no man would have doubted its validity; and then indeed the matter of limitations and appointment might have been decided in the very first instance legally. This would have been the *short, easy, quick way*, and not that which the Right Honourable Gentleman mentioned.

He mentioned, that King William and Queen Mary had first subscribed to restrictions, before they were appointed; and that, if a King and Queen of England submitted to those terms, he saw no reason for a Regent refusing them.

The wisdom of our ancestors had laid down rules for our conduct, and our own reason pointed out, whenever there was a deficiency, in what manner it was best to supply it.

He concluded by saying, that what he had advanced was untinged with party prejudice; and that he called God to witness the sincerity and truth of heart, with which, to the best of his judgment, he gave his vote against the *amended* resolution.

Sir *John Aubrey* rose, with great reluctance, to deliver his sentiments in opposition to those with whom he for some time acted. He *concurred* with them

them in rejecting the doctrine of a Regency *de jure* in the Heir to the Crown ; but he *did not* concur with them in thinking the House, at that moment, competent to exercise any of its parliamentary functions, more especially its legislative one, or to do any thing tending to such an exercise. He therefore found himself obliged to give his vote for the amended question.

*Lord North*, in reply to the Solicitor General, contended strongly for the amendment, which, he said, would put the matter on its proper foundation, by giving the only validity to the executive part of Government, which, in the present circumstances of the case, it could receive. The maxims laid down by the Honourable and Learned Gentleman were most excellent ; but the conclusions drawn from them were false. It was a certain fact, that two Estates did not form a Constitutional Government ; and hence it was palpable, that every thing done by those two Estates must be illegal. Would not, therefore, any Regent appointed by them be unconstitutional ? And must it not, of course, be the most prudent step to call in the only third person in the realm who could give effect to the proceedings of both Houses. He concluded with declaring, that, if the measure proposed in the Resolution, as originally moved, was adopted, it would shake the fabric of the Constitution to the center.

Lord

Lord *Fielding* supported the amendment.

Mr. *Fox* rose to combat the doctrines which had been laid down by the Honourable and Learned Gentleman (Sir John Scott), which appeared to him to be inconsistent with the conclusions which had been drawn from them. He did not hesitate to acknowledge, that the forms of the Constitution were to be considered as the guards and outworks of the main body : but, if a violent infringement should be made on any of the fundamental principles of the system, and this attack was framed under the specious disguise of the outward forms of the Constitution, which it was intended to undermine, could any one hesitate for a moment which party to take, that of the forms, or that of the substance? In proceeding to consider the precedents which had been produced to the Committee, he declared, that the precedent of Henry VI. militated directly against the course now proposed. That precedent clearly went to the nomination of the next lineal successor to the Crown, and to his investment with all the functions of royalty ; whereas the proposed course was to set up an intermediate creature of the two Houses, not possessed of any discretionary power whatever, but, with a ministerial authority, to affix the Great Seal to whatever they should chuse to pass.

The absurdity of this proceeding was equal to its indecency. This creature of the two Houses

was



was to be bound to give the royal assent. Was it ever heard of, or imagined before, that there could be a power of giving assent, without a power also of dissenting? The very term demonstrated the absurdity. There was a person to be set up without power, without discretion, and yet this pageant was to give the form of a parliamentary act to the proceedings of the two Houses. By the precedent in the commencement of the reign of Henry VI. the Regent was invested with the power of the royal negative, and with the corresponding and essential powers of proroguing, or dissolving, and of convening Parliaments. By this, in the first instance, the three Estates were restored to their several functions, and the Parliament being made complete, they were able, by an act of legislation, to justify and legalize the measure by which they were thus established. The precedent of Henry VI. then pointed out to the House these two important facts—First, That the power was given, in the first instance, to the next in succession to the Crown; and, in this nomination, the full absolute authority of the Sovereign was entrusted to him. Secondly, That afterwards limitations were made in full Parliament, when the Duke constituted the third Estate, and when, from each of the bills restraining his authority, he might have with-holden his assent.—Taking all the precedents together, they served clearly, in  
his

his opinion, to elucidate two natural points, as principles of the Constitution.—First, That no man ever was to hold the Regency in trust for the Crown but the next in succession; and, secondly, That no man was to hold it but with powers incidental to the office, that is, with the powers constitutionally belonging to the Crown. These two principles the precedents all contributed to demonstrate, and strongly inculcate, except in cases where an adherence to them was impracticable. Was there, in the present emergency, any reason for departing from this safe and constitutional course?—Nevertheless, a commission was to be granted to a person, not to the Prince of Wales, nor to any branch of the Royal Family; and, by this commission, this person was to be created into the third Estate of the realm, without possessing one of the functions of that Estate.—On the subject of the Revolution, he declared, that the case of necessity, at that period, was a necessity not proceeding from accident, but from real danger. The vacancy of the Throne did not proceed from the malady of the King, as afflicted by Providence, but from the violent infringements which the King had made on the liberties of the people; so that their allegiance was constitutionally withdrawn from him. After laying great stress on this point, Mr. Fox dwelt for some time on the distinction between the acts of a Legislature, and the acts of the two Houses.

Houses. The latter, he said, were always done by vote, resolution, and address; the former by its bills, which received the royal assent, and became acts of parliament: He did not mean to combat the doctrine, that the two Houses of Parliament were competent, by resolution or address, to supply the present deficiency; but he contended strongly, that, if they proceeded further, there was not a court in which their acts would be recognized. He said, it had remained for the metaphysical lawyers of this day to discover, that it was necessary to resort to the coarse and clumsy fiction that was to be put in practice, to enable them to fit with legal parliamentary authority. After much reasoning against the original resolution, and repeatedly contending, that the thing to be set up was not a third Estate, but the Houses of Lords and Commons converted into a pretended third Estate, he took notice, that although the opinion he had held of the right of the Prince of Wales to the Regency had been flatly denied, and the right of the two Houses asserted and declared in a resolution, it was very extraordinary, that, when the Regent was to be declared, instead of exercising their declared right, the House resorted to the Lord Chancellor to do it for them. He denied, in very strong terms, the necessity of any such proceeding; and maintained, that, to resort to it, was to exceed the necessity of the case, and to

establish



establish a precedent that, in future times, might be fatal to the interest of the people.

Mr. Chancellor *Pitt* declared, that the true point of the question lay within a very narrow compass. The precedents before the House, which had been reprobated on a former day as in no degree analogous, were now referred to the House, not as forming, indeed, a fundamental principle of the constitution, but as shewing the modes which ought to be adopted in the present crisis. He contended for their tendency to prove that, upon the suspension of the royal authority, the power rested with the two Houses of Parliament to provide for such a deficiency. In the case of the infancy of Henry VI. his name was used, and he was made the instrument to give vigour to the measures taken by the two Houses of Parliament; but at the death of Henry V. there was no Parliament. The case was now the reverse; a Parliament existed, and had been summoned by the King's own writ. The Right Honourable Gentleman, in alluding to the reign of Henry VI. said, that acts of indemnity had been passed in the first Parliament assembled during his reign, for every trivial measure that had been adopted, even for every writ that had been issued under the Great Seal; but that no act of indemnity had been passed for the great and important office the Duke of Gloucester had taken upon himself; but the Right Honourable Gentleman



tleman would, on re-examining the first act of indemnity, discover that the act included the Duke of Gloucester, by granting an indemnity for all other commissions. He not only disagreed with him in the statement and conclusion of the precedents of Henry VI. but also in his reasoning on the period of the Revolution. He contended, that the principle resulting from the proceedings of Parliament then, was such as ought to govern the proceedings at present. He agreed that what had been done from motives of policy, to protect the nation from invasion by a formidable rival, and to prevent the return of the abdicated monarch, ought to be laid aside from their present consideration : but the two remaining branches of the legislature on that occasion had not restricted themselves to a simple address to the Prince of Orange to accept the Crown ; they felt not only that they must have a King, but that they must have a King on certain terms and conditions. They did what amounted to a legislative act ; they came to a resolution to settle the Crown, not on the Prince of Orange, and the heirs of his body, nor on the Princess Mary, and the heirs of her body, but on the Prince and Princess jointly ; the authority to be exercised only by him. Here it was evident, that whatever the necessity of the case required at that time, the Lords and Commons possessed the power to provide for ; and that whatever

the necessity of the case demanded at present, the power belonged to the Lords and Commons to supply. But, although the application of the principle was denied, the form of the proceedings was recommended as a pattern. The circumstances of the case were widely different. The throne was at that time vacant, but at the present moment it was full; and, therefore, the address was not a precedent in point of form. The Right Honourable Gentleman had said, that according to the 13th of Charles II. the two Houses of Parliament cannot proceed to legislate without a King. The conduct of the Revolution had contradicted that assertion; they had acted legislatively; and, no King being present, they consequently must have acted without a King. Was it possible that our situation could be similar to that of the Revolution, when we had a King on the throne who had never forfeited his right? His political capacity remained as entire and as perfect as ever, but from a natural incapacity he could not act:—the two Houses of Parliament could not therefore abide by the act of Charles II. at this period, any more than at the Revolution. They were as much prevented in the present instance by the act of God, as they had been at the Revolution by the absence of the Sovereign? and that act might have been with equal propriety pleaded as an irresistible bar to the Revolution, as to the mea-  
sures

tures now intended to be taken. The Right Honourable Gentleman had asserted the use of the Great Seal to be irregular, if applied to form the two Houses into a Parliament. The address proposed would be equally exceptionable; for his arguments went to prove, that to put us speedily in the situation which we want, the Prince might be appointed by address, or might act under the Great Seal. It was then asserted by the Right Honourable Gentleman, who had just before declared the use of the Great Seal, without the King's consent, to be a gross fiction, that the two Houses of Parliament, who could not do it directly, might, by an address to a third person, appoint the use of the Great Seal, which neither he nor they had a right by the former argument to use at all. The shortest and the easiest way to obtain the completion of the legislature, as stated by a noble Lord (North), was, in his opinion, the mode most dangerous to the constitution, and that which tended to the most violent use of the King's name, without his consent. Was the Regent so appointed to act in his own name, or in the name of the King? one or the other he must do; if in his own name, he dethroned the King; if in the name of the King, it must be without his consent. The using of the King's name, without his consent, had been asserted to be a gross, a clumsy fiction; but by that fiction the courts of law were now upheld.

That fiction was the support of hereditary monarchy, so strenuously argued for; the grand principle and foundation on which hereditary monarchy had rested, was the political capacity of the King ever remaining entire, and it could never be set aside while living, and not having forfeited the Crown. That was the grand principle that supported hereditary right; what else could have protected the infant monarch in a cradle, or the infirm diseased old King on his bed of sickness? If the doctrine now attempted to be advanced, of the right of an Heir Apparent to assume the exercise of royal authority on the infancy or indisposition of a King, should be once established, an adieu might be bid to all hereditary succession, or even to the enjoyment of kingly power during life. If the Lord Chancellor should put the Great Seal to any act, no power in the country could say it was not law. It would be presumption in the Chancellor, on his own opinion, to put the Great Seal to any act, purporting to give the King's assent; but if that assent could not be implied without the Great Seal, no man, he presumed to think, would say, that the wisdom of the whole Council of the nation, to guide the political capacity of the King in a moment of such pressing exigency, was a coarse, a clumsy forgery, and an idle fiction. By the second Resolution of the Committee, and to which the House had agreed, they declared



it to be their right and duty to provide the means of supplying the defect of the personal exercise of the royal authority ; having asserted that right, they would be betraying their duty if they abdicated a part of that right, which might eventually put the remainder out of their power to exercise. If the Prince was put in possession of the Regency, with the full powers and prerogatives of a King, he might immediately dissolve the Parliament : but it had been said that he *probably* might not ; he might, however, with those powers, previous to the discussion of the Restrictions, prevent their taking effect, by pouring in a number of Peers into the Upper House during the agitation of the limitations in the Lower House. Whether the limitations ought or ought not to take place, they ought to be discussed while they had the power of discussion. The wish of the Gentlemen on the opposite side of the House was, that they should give the whole power, before they knew whether it was their duty to give more than a part. The true question, he conceived, before the House was, whether the granting the full power at present, might not hereafter, when it should please God to restore his Majesty to the prayers of his people, be the means of diminishing the power of the rightful possessor of the throne. He concluded with declaring, that if they trusted the power of enforcing what limitations might be

deemed necessary out of their hands, they might not be able to exercise their duty, and would by such neglect sacrifice the respect they owed to their constitution, to their King, and to their country.

Mr. *Fox* answered, that he had never asserted that the name of the King could not be used without the will. For a person possessing the exercise of discretion, and consequently the power of assenting or dissenting, to use it was a laudable fiction ; but for a person set up by Parliament to do a particular act or acts, without the liberty of exercising discretion, or dissenting, if he thought proper, to use it was an extravagant fiction. In the one case, there were three branches of the legislature, in the other, there were only two.

On no occasion had he denied the force of necessity ; but in cases of necessity they ought to do as little as possible ; and however paradoxical it might seem, he insisted, that by giving part of the prerogative, they did more than by giving it entire. He maintained still, that no Parliament could legislate, unless the King on the throne had the power to dissolve them, and challenged any lawyer to prove, that a Parliament, not liable to dissolution, can legislate.

Mr. *Sheridan* contended, that the present question was directly connected with that of the limitations. The Right Honourable Gentleman's arguments

arguments went to prove, that, if the House adopted the present resolutions, they would then be enabled, without the possibility of disappointment, to make what restrictions might be thought proper; but if they did not, that then the restrictions they might wish to have made, would not be carried into execution. The Right Honourable Gentleman knew, from his own experience, that the powers of the prerogative might be abused, and therefore it became him to be on his guard. If you doubt the fact, he might say, look at my conduct. Recollect under what circumstances I dissolved a Parliament; how lavish I have been of the honours of the peerage, and say, that the powers of the prerogative may not be abused, if you can. The Right Honourable Gentleman observes, that the Prince may dissolve the Parliament, without consenting to limitations. The first act of his Regency ought to be, to consent to limitations; and was there a man who believed he would not? But in imposing restrictions, some delicacy was requisite; for every restriction that was not necessary, was not a limitation, but an insult. Was the Right Honourable Gentleman in such haste to impose restrictions, because he feared that he could not carry the limitations which he meant to propose, unless he were Minister? Or was he apprehensive that Parliament or the Prince would forget to do their duty? From some such fear, or un-

worthy suspicion, his haste must proceed. But if the Prince should refuse the Regency, some provision, he conceived, ought to be made for such a circumstance; though he by no means wished to hint that any friend of his Royal Highness would venture to propose such a measure.

At half after twelve the House divided on the Resolution, when there appeared,

For the Amendment	178
Against it	— 251

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Majority 73

The original Resolution was then put and agreed to.

TUESDAY, *December 23.*

The Marquis of Worcester reported, that the Lords had agreed to a conference.

A Committee was then appointed, which consisted of the following Honourable and Right Honourable Members, viz.

Marquis of Worcester	Lord Apsley
Chancellor of the Exchequer	Secretary at War
Marquis of Graham	Sir Joseph Mawbey
E. J. Elliot, Esq.	Lord Frederick Campbell
Alderman Watfon	Lord Belgrave
Earl Mornington.	J. Rolle, Esq.
Earl Courtoun	Master of the Rolls.
Lord Advocate of Scotland	

As soon as the Committee returned, the Marquis of Worcester reported, that the Managers had



had met, and that the conference on behalf of the Lords, had been conducted by the Lord President, Lord Privy Seal, Duke of Richmond, Marquis of Caermarthen, Lord Sydney, Lord Hawkesbury, Lord Morton, &c.

The call of the House was, upon motion, further adjourned until the morrow se'nnight.

FRIDAY, *January 2.*

Mr. *Hatsell*, the Clerk of the House of Commons, announced the death of the Right Honourable *Charles Wolfran Cornwall*, their Speaker; which event happened in the morning of this day; and, on the Monday following, the Honourable *William Wyndham Grenville* was appointed to succeed him.

TUESDAY, *January 6.*

The motion being made for the order of the day,

Mr. *Loveden*, in a short speech, professed to have no particular bias in what he was about to offer. It was his rule to be—*nullius addictus jurare in verba magistri*. In compliance with these principles, he could not agree to the House proceeding on the order of the day, till they had more ample information on the state of his Majesty's

Majesty's health. The examination before the House was by no means full and explanatory, nor were they in the least acquainted with the present situation of the Sovereign; whether his condition was amended or impaired; and some very material alteration must undoubtedly have taken place within the month which had elapsed since the report from the physicians. He therefore moved, "That as a considerable time had elapsed since the examination of his Majesty's physicians, they be again further examined as to his present condition."

The *Speaker* then observed, that the most orderly way would be to put the original motion for the order of the day, which, if negatived, would make way for the second question.

It being mentioned from the Opposition side of the House, that the order of the day was not moved,

Mr. Chancellor *Pitt*, who had moved it, now rose and declared, if any great or necessary end was likely to ensue from the further examination proposed, he should be the last to oppose it. But he conceived, from the examination already before the House, they had sufficient ground to proceed. There was sufficient evidence for every one's conviction, that the actual state of his Majesty's health incapacitated him for business; and it was also admitted, that it was the duty of the two Houses forthwith to take measures

measures for supplying the defect arising from that incapacity. Therefore, unless some members were ready to advance, that any material alteration had taken place in his Majesty's health, which should affect the present proceedings of the House, he thought it very unadvisable that the least delay should be interposed to the adoption of such measures as should restore the government, and give it energy and effect. He earnestly deprecated any further delay in the appointment of such a government. He felt, no doubt, strongly for the disagreeable and unfortunate situation in which he personally stood; but he felt much more forcibly for the public interest, which was so deeply and dangerously affected by the present unhappy suspension of the exercise of the royal authority. Any delay, therefore, to the remedy which should be proposed, if something very particular was not advanced, he would deprecate and oppose.

Mr. Fox expressed his satisfaction in finding that the subject of the present situation of his Majesty had been so taken up. Rumours of various kinds had gone abroad, and of rumours in general, he, from long political experience, would have been perfectly regardless, if something had not transpired in another House, which went strongly in confirmation of some of these reports. It was very well known, and they all might have heard it, that the first Minister of  
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his Majesty, in point of fact, and in consequence, certainly not the last (the Lord Chancellor) had declared, that the *King's health was amended*. The assertion of an opinion of most individuals on such a subject, he should not consider of sufficient weight to influence the conduct of Parliament, if the case was not in itself a very peculiar one. He agreed that there was sufficient proof of his Majesty's actual incapacity to govern, and that the two Houses were proper in taking measures for supplying the deficiency ; but if there were those who thought it necessary to confer the exercise of the royal authority, with limitations, under the pretence that his Majesty was likely to be soon in a condition to resume it himself, these limitations must of course be influenced by the actual condition of his Majesty, and the probability of the malady either ceasing or continuing. If his Majesty's condition rendered it improbable that he should ever be relieved, the idea of restrictions, at all times improper, would then be done away ; so that, on the whole, he thought the motion for further enquiry, extremely proper and necessary.

Mr. *Burke* thought it necessary that the nation should, on such an important subject, be fully informed, and not duped by the impositions which were reported to be practised. After inveighing, with no small severity, against the  
artful



artful conduct of Administration, he first proceeded to assert, and next to prove, that the King's health was worse, and more unlikely to mend than it was a month since, when the physicians were examined. To this effect, he read from the printed Journals of the Lords, an extract of the examination of one of the physicians, in which he said, "that the probability of recovery was diminished, whenever the violence of the disorder was abated, without any return of the understanding." This he contended to be a proof that his Majesty was worse; but if the contrary should be the fact, it was necessary that the House and country should be informed of it, and an examination should be instituted for that purpose.

Mr. *Bastard* reprobated any proceeding which should delay or interrupt the settlement of the executive department of government.

Lord *North* offered a very strong eulogium on Dr. Warren, and deprecated the warmth which animated the opposing parties.

Mr. *Pitt* declared, that Dr. *Warren's* reputation for general knowledge in his profession was such, as demanded very justly the concurrence of every one. In that particular disease, however, with which his Majesty was afflicted, this Gentleman's experience was, by his own confession, comparatively small—so much so indeed, that in every circumstance of his Majesty's treatment,

ment, he never took any proceedings but by the advice or concurrence of another physician (Dr. *Will's*), whose line of practice had rendered him more conversant with that particular malady. To the argument of Mr. Burke, in which he endeavoured, by a sort of calculation, to prove, that his Majesty must be worse now than at the time of the report ; he would answer it, by saying, that, from the very best information, he had reason to think, that the DIRECT CONTRARY WAS THE FACT. He was sufficiently aware of the injurious tendency of delay in arranging the government, and had already deprecated its consequences ; but now, as the matter had been carried so far, and such strong assertions made, so foreign from what was really the fact, he thought it would be very improper to withhold a further examination of the physicians attending his Majesty, the result of which he believed would confirm what he had advanced ; for which purpose he would beg leave to withdraw his motion for the order of the day.

Mr. *Burke* expressed his wish, that, when the examination proposed should take place, that it might be full, and that no questions should be framed for the purpose of drawing such answers as might suit particular purposes. To prevent any misinformation, or misunderstanding in this way, other physicians, besides those attending on his Majesty, should be called in, to assist and  
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conduct, in some degree, the course of the examination. Why not call in Dr. Munro, who was unquestionably the most eminent and experienced man in disorders of this kind?

Mr. *Pulteney* objected to letting Mr. Pitt withdraw his motion, and said he would divide the House on it, as he could foresee no good effect from any further examination of the physicians, and was apprehensive of bad consequences from the delay it might occasion.

Mr. *Fox* was very diffuse in his panegyric on Dr. *Warren*, of whose reputation and talents the best proof was to be found in the extent of his practice.

Mr. *Sheridan* argued, from the Minister's own declaration, of there being an amendment in the King's health, that the necessity of examining the physicians must rest with himself.

Mr. *Pitt* observed in reply, that the allusion of Mr. Fox, to the present condition of his Majesty's malady, carried the strongest proof of the necessity of recurring again to the opinion of the King's physicians. What he had advanced, of the favourable accounts respecting the private information afforded of his Majesty's health. he would not retract one syllable; but that his private sentiments he would not presume to offer as a ground for the proceedings of the House, the only foundation for which must be the result of the combined judgment and opinions of the

King's physicians, taken upon oath, before a select Committee; which, if summoned by order of the House that night, the decision of the business would not be above a day or two delayed.

Mr. *Pulteney* persisted in his determination to divide the House on the subject of again introducing the physicians, a public examination of whom would be a week's delay of the discussion of the important business of the Regency.

Mr. *Pitt* said, he stood in this singular situation, that he should be obliged to vote against the Honourable Gentleman who spoke last, and against his own motion, if the Honourable Gentleman persisted. He was clearly of opinion, from what had passed, that another examination was indispensably necessary.

After some further debate, Mr. *Pulteney* waived his objection, and the order of the day was withdrawn.

Mr. Chancellor *Pitt* then moved, "That a Committee be appointed to examine the physicians who have attended his Majesty, touching the state of his Majesty's health, and that they do report the same to the House."

Mr. *Sheridan* moved, by way of amendment, to leave out from the words "examine the physicians," to the end of the above motion, in order to insert, "To enquire into the nature and present state of his Majesty's malady, and into the probability



probability of his speedy recovery; and that they have power to send for such persons and papers as they think may give them sufficient information concerning the same;" when it was carried against the amendment by a majority of 80.

Another amendment was moved, to insert after physicians, "and other medical men," which was also negatived.

Mr. Chancellor *Pitt* then moved, "That the physicians who have attended his Majesty during his illness, be examined before a select Committee, touching the present state of his Majesty's health."—An amendment was proposed, by leaving out "select Committee," and inserting "at the bar of the House." This passed in the negative; and a Committee of twenty-one persons being named, the House adjourned.

WEDNESDAY, *January 7.*

The House was not sufficiently attended for the purpose of business.

On account of the length of time employed in examining the physicians as to the state of his Majesty's health, the House did not go into the Committee on the State of the Nation till January 16.

The second Report of the Physicians, concerning the actual situation of the Sovereign, being so fully known to the whole nation, it would be swelling this volume to a size of unnecessary expence, more particularly as the spirit and result of it is to be found under very able animadversions in the following debate.

FRIDAY, *January 16.*

## STATE OF THE NATION.

Mr. *Pitt* moved, “ That the order of the day be read, for the House to resolve itself into a Committee on the State of the Nation,” which was accordingly read.

The *Chancellor of the Exchequer* then rose again, and after lamenting that the particular situation of the country called upon them to exercise a right, that had devolved upon them in consequence of the melancholy situation of his Majesty, which rendered him incapable of exercising the royal authority, he observed, that upon the present distressful occasion it behoved them to provide the means of supplying the deficiency. The business of the Committee, he observed, lay in a very narrow compass, notwithstanding the voluminous reports on the table. In the report last delivered there was abundant matter of con-  
firmation

firmation of the propriety and prudence of those measures, which he was, as the Committee were aware, prepared to have proposed to them nearly ten days ago. But though there was much material information in that report, there was no difference, in his opinion, in the ground of what he had to offer; but that on the former day, as well as on the present, the Committee had more information before them than was sufficient to bear out all that he should submit to their consideration: what they had to provide for, therefore, was no more than an interval; and he flattered himself it would prove but a short interval. If, however, unfortunately, his Majesty's illness should be protracted, they might leave it to Parliament to do what was at present clearly unnecessary—to consider of a more permanent plan of government. If they regarded the disorder not in itself incurable, any man must think that the provisions ought not to be permanent. With regard to the difference of opinion between the physicians, as to the prospect of a recovery, it appeared to him to depend on two circumstances, by which it could be decided on whose opinion the greatest reliance ought to be placed. The first circumstance was, the knowledge of the malady in general; and the second, the knowledge of the particular case of the patient. Three of his Majesty's \* physicians had been con-

\* Drs. Pepys, Gisborne, and Reynolds.

versant with the malady. Two others (Mr. Pitt added), though not so conversant, are well acquainted with his Majesty's habits. These two (Sir George Baker and Doctor Warren) attend his Majesty for two hours each day; the three others, from the evening until eleven in the forenoon. Surely it was natural for those who attended his Majesty most to be the best judges of his situation; and it was remarkable, that Dr. Warren and Sir George Baker were the least confident of a cure, and that the other Doctors possessed much greater hopes; but Dr. Willis, who attended his Majesty more than any of the others, was more sanguine than them all. Sir Lucas Pepys states circumstances which do not amount to a certainty of a cure, but which prove an abatement of his Majesty's disorder. Dr. Willis is of opinion, that all the symptoms since the time of the last examination are more favourable, and that there are considerable signs of abatement; that the length of the time has made no unfavourable change; and those who understand the disorder best, think it more favourable. For his own part, he wished not to go at length into the particulars of the last report, on which the Committee might safely rely, as there were those on the Committee who were anxious to sift, with the most scrupulous accuracy, every point likely to prove his Majesty's recovery. There had been those who gave no considerable degree of credit



to Dr. Willis; if, therefore, any observations should arise from them, he conceived that they would be made in the same spirit, and with the same ability, as when they were urged in the Committee above stairs. Upon this occasion, he felt it but common justice to commend the skill, integrity, and good sense of Dr. Willis, which were evinced under a severe cross examination, calculated to puzzle simplicity, and leave the coolness which should of necessity accompany the delivery of evidence, too unguarded. In the course of the inquiry above stairs, a circumstance had come out, over which he would not draw a veil of delicacy, as he was not ashamed to bring it forward. If it should be stated, to the discredit of any physician, that he had submitted to be unduly influenced by a great Personage, let the Committee know to what physician the imputation of having consented to give an untrue account of the state of his Majesty's health applied: if an impropriety of action like that was imputed, he would not believe it till it was distinctly *ventured* to be said; and when he used the term *ventured*, he did not mean to use it with regard to the exalted station of the person in question, but with regard to the transaction itself; nor did he (he repeated it) believe that any man would venture to charge blame of any kind on the respectable personage in question, who had lived, for almost thirty

years, in this country without traduction, a pattern of the most unexampled affection, domestic tenderness and virtue, against whom the breath of calumny had not dared to send even a whisper, and who surely could not be supposed to merit it at a moment when visited by a calamity which rarely befalls a private person, but which surely is not a little aggravated when it becomes the lot of the family of a person in so exalted a rank as the sovereign of the country. As to the fact itself, it appeared that Dr. Warren allowed that circumstances of amendment began to appear, and there was, in consequence, a wish on the part of her Majesty that the report might be such as should give the public the most favourable account of his Majesty's health ; but would any man prove that any undue influence had been used for that purpose ? Mr. Pitt explained in what manner the words " a comfortable way " had been introduced into the report, and then spoke of Dr. Willis, declaring, that he was known in the country where he lived by his character, and by the happiness which he had been the means of giving to the numerous families who were bound to bless him for the good effects of his skill. He mentioned another physician whose character was likewise high, but observed, at the same time, that, if he wished to draw a true conclusion of his Majesty's state of health and prospect of recovery, he would wish

to draw it from Dr. Willis rather than from any other physician. At length Mr. Pitt adverted to (what he called) the situation for which they were to provide ; and this situation was not less than the cessation of the personal exercise of the royal authority, a deficiency for which no previous provision had been made. As the cause of this deficiency, he had every reason to think, would prove but temporary, they must deliberately consider what were the cases for which they were to apply a remedy. The first object for which they had to provide was, to secure the establishment of a government in the country equal to its safety and the dispatch of public business. Out of the nature of such a provision another duty arose, of equal importance to the other, and this was, to take care that the measures embraced did not go beyond the necessity of the case.

The Committee were to provide powers for the exercise of the government, and they must take care to place these powers in proper hands ; but above all things to recollect, that they were not placing a King upon the throne. They were to remember the throne was full ; that no right any where existed to exercise the royal authority but that which was conferred by that House. They were to take care to provide against any embarrassment in the resumption of the royal authority, whenever God, in his providence,

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should



should permit the rightful holder again to exercise it. They were to provide only for the necessity of the case, and not to exceed it; and, therefore, the measures which he should propose would be, to invest his Royal Highness the Prince of Wales with the whole royal authority, to be exercised in the name, and on the behalf of his Majesty, under such limitations and restrictions only as should be provided. The principle was not new, although the circumstances of the case happened to be unprecedented. No man would say that the same power which the principal exercised ought to be given to the delegate: and if the House referred to precedents, they would find that no one instance could be met with of the whole royal prerogatives having been so delegated: on the contrary, every precedent which bore the smallest analogy to the present situation, evinced the direct contrary, and that, doubtless, with a view to facilitate and ensure the resignation of the delegate when the principal should be competent to exercise, or to resume his authority. Mr. Pitt, referring them to the act of Queen Anne (the act of succession), the Regency act of George the Second, and the Regency act of the present King, added, let them look to the case of a Sovereign disabled by infancy.—Was the Regent of the country invested with full and unlimited power to exercise the royal authority? undoubtedly not. In the three

Regency



Regency Bills in the Statute Books, to which he adverted, were there not limitations? There were in every one. All the powers might be given, but then they were not given to one person. What was the principle in the case of a minority? It was thought unsafe to vest all the powers in one person. He laid particular stress on the Regency Bill in the reign of George the Second, and observed, that there appeared at that time to have been a wish, on both sides of the House, to doubt what confidence should be placed in the Regent. They were afraid of making a precedent, and therefore they gave the royal powers among many, appointing a Council, without whose consent the Regent could take no important step whatever. The will of the predecessor was by one of the bills to be the system followed while the Heir Apparent continued a minor; a principle which, he owned, he thought went too far, although it was a plausible principle, and was apparently most applicable to the present case. After reasoning upon the three different precedents, and touching upon the short protectorate of Richard the Third, the other protectorates or guardianships in the earlier periods of our history, and endeavouring to demonstrate, by argument, that as in no preceding instance all the powers of royalty were given to one person, so in the present instance (which certainly differed most essentially) they ought not

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to be, nor could they be, trusted in the hands of one person, without proving a hazardous, and possibly, a prejudicial experiment. He declared he would give his vote for investing the Regent with all the powers which are necessary, but would not agree to give any which were not requisite to carry on the government of the country with energy and effect. Mr. Pitt now observed, that he need not trouble the House with his first Resolution, as he had already stated its substance and effect. The second Resolution (which he read) was, to restrain the Regent from exercising one branch of the prerogative, peculiarly inherent in the Crown, and this was the power of granting peerages, excepting to his Majesty's sons being twenty-one years of age. This restriction he thought necessary, as the Regent ought not to confer any grant which might produce difficulties and embarrassments when the happy hour of his Majesty's restoration to his health should arrive.

The object of investing the Crown with the power of creating peers was, to enable the Sovereign to distribute rewards to eminent merit, and to give the Crown the means of choosing persons who should add to the number of one of the branches of the legislature. The creation of Peers was one of those powers which belonged to the King's prerogative. He enumerated the grounds on which he conceived that the Crown might

might exercise the privilege of making Peers, and described what he regarded as the inconveniences which might follow from the Regent having the power to make Peers, contending that it was possible that the consequence of the House of Lords might be lost, and the system of the country overturned, and the government end in a pure monarchy, an aristocracy, an oligarchy, or some resource equally distant from our present constitution. He desired, if he failed to enumerate any particulars connected with any part of the subject, to have them pointed out to him. He reasoned upon the sort of effect which (as he supposed) might arise from depriving the Regent of the power of creating Peers, merely for a time, observing, that surely it would not be contended, that for want of such an incentive for a few months, the country was likely to be deprived of the service of men of merit. If his Majesty recovered, as they all hoped, and had reason to expect he would, the power of creating Peers might be exercised by the rightful holder of the prerogative ; but, if unfortunately his Majesty should grow worse, and be pronounced not likely to recover for a long time, Parliament would have it in its power to take off the restriction, and vest the Regent with a power, which, he was ready to admit, might in time become necessary to the carrying on of a powerful government. As an abuse of the prerogative  
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of making Peers, he urged the possibility of such another confederacy and cabal forming (as had been convicted of a design to overthrow the constitution a few years since), who might give the Regent advice, which the Crown would probably have rejected, and such a number of Peers might be created, as might considerably embarrass the Crown in carrying on the government when his Majesty should be restored to his health. For his own part, he declared, that he should not be found an opposer of the just and wise measures of the new government, which would remain to be discussed hereafter. He urged other arguments in the attempt to prove that the withholding the power of making Peers for a time, was what they owed to the real interests of the country, and the true Sovereign; that it could not become prejudicial to the Regent's government; and if it should threaten to grow detrimental, they would have the remedy in their own hands; a principle which coupled with that of doing nothing beyond the real necessity of the case.

He now read the third resolution, which was a restriction preventing the Regent from allowing any grant, patent place, reversion, or annuity for life, excepting in particularly unavoidable cases, such as to Judges and others. As this resolution ran so much upon the principle of the preceding one, Mr. Pitt said, that it was unnecessary



cessary for him to go into farther explanation of it. The fourth resolution restrained the Regent from exercising any power over the personal property of the King. Mr. Pitt, on this occasion, observed, that he scarcely thought it necessary to pass this resolution, as it was not probable that his Royal Highness should interfere with his Majesty's personal property in his life-time; but, as they were acting upon parliamentary principles, he thought it his duty to submit it to the Committee. The last resolution would be for entrusting the care of the Royal Person, during his Majesty's illness, where, of course, all men would be unanimous in agreeing that the Royal Person ought to be placed, in the guardianship of the Queen; and with this trust, his intention was, to propose to put the whole of his Majesty's household under the authority of her Majesty, investing her with full powers to dismiss and appoint, as she should think proper. Without being invested with this controul, he imagined that the Queen could not discharge the important trust committed to her care. He spoke of the officers of high rank in the Household, who, though their places might justly draw forth the ambition of men of the first rank and family in the kingdom, were nevertheless only the first menial servants of his Majesty, and actually necessary to direct and superintend the greater part of his Majesty's Household. He stated, that these of-

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ficers, such as the Master of the Horse, Lord Chamberlain, Lord Steward, and others, were, by many, thought high officers of state; but the fact was otherwise; they were the menial servants of the Crown, and essential to its dignity and splendour. He argued against new modelling the Royal Household under the present circumstances, and spoke of the anxiety and pain which he conceived that it must give his Majesty, to find all those whom he had chosen to be about his Royal Person discharged. He owned, that this part of the arrangement was a matter of some difficulty; but when he considered what his Majesty would feel, when he waked from his trance to reason, and asked for those attendants, and was told, that his subjects had taken advantage of his momentary absence of mind, and changed them, he flattered himself that no gentleman would object to such a mark of attention being paid to his Majesty. The Regent, indeed, was different from the King; but, at the same time, the Regent ought to have a retinue adequate to the importance and the high rank of his station; and he meant to propose that he should have such a retinue, which would unquestionably be some increase of expence to the country; but, as it was unavoidably necessary to appoint a Regent, it was equally necessary to maintain the dignity of the character; and gentlemen would

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not, he conceived, grudge a little expence on such an occasion.

Mr. Pitt now moved, “ That it is the opinion of this Committee, that, for the purpose of providing for the exercise of the King’s Royal Authority, during the continuance of his Majesty’s illness, in such manner, and to such extent, as the present circumstances of the urgent concerns of the nation appear to require, it is expedient that his Royal Highness the Prince of Wales, being resident within the realm, shall be empowered to exercise and administer the Royal Authority, according to the laws and constitution of Great Britain, in the name and on the behalf of his Majesty, under the stile and title of “ *REGENT of the Kingdom,*” and to use, execute, and perform, in the name and on the behalf of his Majesty, all authorities, prerogatives, acts of government, and administration of the same, which belong to the King of this realm, to use, execute, and perform, according to the law thereof, subject to such limitations and exceptions as shall be provided.”

The clerk read all the resolutions; and, when he came to the last, which stated that her Majesty was to have a council,

Mr. Chancellor *Pitt* rose, and said, that he had not entered fully into an explanation of the last resolution, because, although he had considered it as his duty to state it to the Committee,  
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he meant it to be considered as a separate and distinct object, and to be, at a fit opportunity, debated and discussed. He would farther beg leave to remark, that it had occurred to him, that, in cases of difficulty and embarrassment, on a subject of so delicate a nature, it might prove a comfort to her Majesty's mind to have a council to consult, but it was intended to make it merely a council of advice.

The Chairman then read the first motion.

Mr. *Porrys* declared, that he could not avoid considering the whole system opened by the Right Honourable Gentleman as a monstrous fabric, tending to mutilate and dismember the constitutional authority of the Crown. They had voted a resolution, that it was their duty to preserve the Royal Authority whole and entire. What were they now called upon to perform?—To dissolve, separate, and parcel out that Royal Authority, which they had solemnly resolved to preserve whole and entire. What was the constitutional authority of the Crown? He took it to be an assemblage of all the duties of the Kingly office defined by statute. When and to which of the Three Estates was assigned the power of bestowing honours?—To the Crown; and that power of the Crown was derived from the same source from which that House derived its power. He had heard, in another place, that there was an infirmity in human nature, which naturally



attached itself to power; and the person who made this observation, doubtless, felt an entire conviction of its truth :—But was that infirmity confined to Princes? Was there any thing in the conduct of the Heir Apparent which warranted a suspicion of his labouring under such an infirmity? It was not consistent with the liberality of the Right Honourable Gentleman to judge of a man's conduct, in a situation in which he had never been placed. The Right Honourable Gentleman had said, that there might be bad advisers of the Regent. Might there not be bad advisers of the Queen? In the resolutions, if there were any point plausible, and at first sight reasonable, it was in the third resolution, containing the restrictions against granting offices, patent places, and pensions; but all this proceeded on the mistaken notion that they were private property. That part of the prerogative which was the property of the Crown, he always had considered, and should consider, as a part of the public revenue. Were none of the Royal Household the political servants of the Crown? and had not the Right Honourable Gentleman (Mr. Pitt) again and again declared, that the Regent should have the appointment of his political servants? Why would they vest one power in the Regent and not another? Did they suppose that the Regent would abuse it? There could be no argument for curtailing the prerogatives of the

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Regent; which would not apply to the exclusion of the Heir Apparent from the Regency. If that was the object, let gentlemen go to it explicitly, and in a manly way, and not in the narrow, mysterious, crooked, mischievous manner which they were pursuing. He considered the resolutions as likely to excite feuds and animosities, not only in the kingdom, but in the Royal Family, and to arm the mother against the son. Was that the way to add energy to the Government? He considered the present system to be equally destructive to the Constitution; and as he did not want to parcel out the prerogatives of the Crown at the will of an individual, he would move an amendment. Mr. Powys declared, that he would establish himself upon precedent—upon the statutes themselves. The extent of power to be given now ought to be the same as that given in former statutes; and therefore he should beg leave to trouble the House with the words of those statutes. Mr. Powys accordingly referred to them, and moved his amendment in these words—To leave out from “illness,” in order to insert, “and preserving the Constitution of Great Britain undisturbed, and the dignity and lustre of the Crown unimpaired, his Royal Highness the Prince of Wales be appointed, during the present indisposition of his Majesty, and no longer, in the name of the King, and in his stead, to exercise and administer,

ster, according to the laws and constitution of Great Britain, the Regal Power and Government, under the stile and title of Regent of the Kingdom, and to use, execute, and perform all prerogatives, authorities, and acts of Government which might have been lawfully used, executed, and performed by the Regent and Council of Regency, constituted and appointed by an act of the 5th of his present Majesty."

Lord *North* began with asking, if it became them, as Members of the House of Commons, in a moment like that, when the royal negative, which the Constitution had invested in his Majesty, was suspended, to avail themselves of the temporary incapacity of the King, and to attack all the authorities of the Crown, while it remained without a shield. The measures which they were now called upon to adopt, contradicted that wise maxim of the Constitution, that the King never dies. The King, in his individual and natural capacity, it was true, suffered a demise; but the political capacity of the Crown was, both by law and the Constitution, always considered as whole and entire. And why was this maxim established, but for a plain and obvious reason—to guard against and prevent an interregnum of the imperial power. But Ministers had contrived to produce that evil, which the Constitution had so wisely and so cautiously guarded against, and had devised the means of



the political death of the Crown. The Right Honourable Gentleman had repeatedly told them, in the course of his speech, that they were to expect that his Majesty's disorder would prove short, and that they were to consider themselves as providing for only a temporary suspension of the Royal Authority; but let the Committee recollect, that, notwithstanding the long and repeated examinations which his Majesty's Physicians had undergone, it had not been in the power of any one consulted, to give an idea of the probable time when his Majesty's recovery would take place.

The Right Honourable Gentleman had admitted, that, unless his Majesty's recovery did take place, the resolutions which he had proposed would not be proper. But if it were admitted that the resolutions would not be proper in case that his Majesty's recovery did not take place, he must beg leave to deny that they were proper at all, in any possible case whatever. The House had resolved, that it was their right and duty to provide the means of supplying the defect in the personal exercise of the Royal Authority. What could that signify, more than that they were to provide for the interval of his Majesty's illness, by not suffering any advantage to be taken to despoil the Crown of its just and constitutional rights? It was their duty to take care, that, when his Majesty should be capable of reassuming

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ing the royal functions, he should find them in as good a state as he left them in, undiminished in all particulars whatsoever. Would any man venture to contend, that this would prove the case, if the resolutions which the Right Honourable Gentleman had proposed should be adopted by the Committee? Indisputably it would not; —because the object of the resolutions was, to appoint a person to the Regal Office, and to separate from that office the Royal Authority. By the first of these resolutions, the Regent was to be restrained from making Peers. The Right Honourable Gentleman had rested much on precedents, and their analogy, when he had persuaded the House, that it was necessary to declare it to be their right to provide for supplying the deficiency occasioned by the suspension of the Royal Authority. Could the Right Honourable Gentleman produce any precedent, which, by the most distant analogy, or the most forced construction, might be brought to countenance the restraining the Regent from making Peers? If the power of making Peers was necessary to a King, why was it not necessary in a Regent? In Kings, this power had been considered as the fountain of honour, and had been exercised often to the general satisfaction of the people, as the reward of merit, and the incentive to public virtue. Why then deny it to the Regent? The Right Honourable Gentleman had prophesied, that a time might come when it

would probably be necessary to reconsider the business; and then, if his Majesty's recovery did not take place, they might remove the restrictions now imposed on the Regent, and either lessen the limitations, or take them away altogether. That Parliament could revise, explain, and amend its own acts, was a truth by no means new to the House; but why should the House create a necessity for such revision, explanation, and amendment, when the creation of it would establish a dangerous precedent, and the avoiding it could lead to no sort of difficulty or inconvenience. In the present case, it might be ten, it might be fifteen years—(no person could determine the length of time)—before the Regency would be replaced by the government of a King. It therefore behoved the House to proceed with the utmost circumspection. Were they sure, that, when it should be thought necessary to take away this restriction amongst others, such a precedent would receive the ready concurrence of the other House? That House could not engage in any act legislatively, without the concurrence of the House of Lords; and, when the time should come that the House might find it proper to take off the restriction in question, and to declare that they thought it no longer necessary, the House of Lords might possibly answer, “ You once thought these restrictions necessary; we think them necessary still; we are aware of the value of what we have obtained,

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and it rests with us to judge when it will be most fit to return it." Let gentlemen, therefore, seriously consider of the future difficulty which they might create, by abridging the royal prerogative in so essential a particular; and, if they were determined to impose a restriction on the Regent, let them at least limit its duration, and put it out of the power of the other House to continue it in force, after the time when it might appear no longer necessary to remain.—As to the third proposition, for preventing the Regent from granting patent places, and offices for life in reversion, he must oppose it in the terms in which the Right Honourable Gentleman had conceived it. This sort of places, like the honour of peerage, composed the proper rewards of merit, and such as the Regent, generally speaking, ought not to be restrained from granting.—As to the fourth resolution, if he understood it rightly, it went only to restrain the Regent from interfering with acquisitions of wealth and estate, as, from savings, or by any other means, his Majesty might have made personally since his accession to the throne. With regard to those, undoubtedly the Regent ought not to meddle with them; but the real property of the Crown was, in his consideration, the property of the public, lodged in the hands of the King, for the public benefit: Most undoubtedly the last resolution was well worthy a serious and deliberate discussion; because it went to the disposal of a



number of places in his Majesty's Household, amounting to a vast deal of money out of the Civil List. For the disposal of places of this description to be submitted to the trust of any other person than the King himself, or the immediate Representative of the Crown, or for the exercise of so great a power, deducible out of the Civil List revenues, to be separated from the other regal authorities, appeared to him to be an unconstitutional, an unprecedented, and a monstrous proposition.

For his part, Lord North added, he did not wish to deprive his Majesty of his property, nor of his domestics ; but could no other way be devised by which proper attention might be paid to the King, without this vast patronage being placed in any other hands than those of the Regent? The Right Honourable Gentleman had declared that he found it a difficult thing to settle the interior of his Majesty's household without giving the controul of it to the high and respectable character to whom the care of the royal person was undoubtedly, in his opinion, to be trusted ; and yet the Right Honourable Gentleman had found a way for the two Houses of Parliament to pass a law without the King, or a third estate ; and that, he must take leave to say, was a much more difficult point to carry into effect. The Right Honourable Gentleman had also proposed to make a Regent, and to expect from him the duty and responsibility of a King,

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while



while he withheld from him the unrestrained exercise of the royal authority. Was it possible then for the Right Honourable Gentleman to feel any embarrassment in the disposal of the Grooms of the Bedchamber, the Lords of the Bedchamber also, as well as the higher Household officers? The political servants of the Crown were not appointed for the domestic comfort of the Sovereign, but for the public pomp, and annexed to his retinue as a part of the pageantry of the Crown. That the exalted personage, in whose hands this enormous patronage was to be nominally lodged, would not abuse it, Lord North declared that he was willing to believe; but when he considered that there was to be a council to advise her Majesty, he was not quite sure that the advice given would always be pure and free from the influence of a spirit of factious opposition; at all events, it was reprehensible to withhold so great a prerogative of the Crown from the person who was the best entitled to expect to be entrusted with the exercise of the royal authority during the incapacity of the Sovereign. The Right Honourable Gentleman had denied that there existed a right in the Heir Apparent to assume the exercise of the royal authority, but they had all heard that it was admitted to be such an irresistible claim, as could not be rejected without injustice and without violence. What was it then to which his Royal Highness had such an irresistible claim, that he

could

could not be deprived of, but for reasons strong enough to justify a bill of exclusion? It could be no new constitution; it was a claim, he supposed, to something which had existed before. It was not a right to sustain a burthen, and to submit to the performance of all the duties, without enjoying all the prerogatives of a King. No restrictions ought therefore to be imposed on the Regent; but if any restrictions were to be adopted, they ought to be dated from the sixteenth of January, and confined to a limited duration. He conjured the Committee to have recourse to their constitutional ideas, and if, during the temporary suspension of the King's personal capacity to exercise the royal authority, it was their duty to provide for that defect in the constitution, let them be governed by the necessity of the case, and not exceed its limits. Let them provide that the people should have a good government; and having proceeded thus far, they would enjoy the consciousness of executing the whole of what they owed to themselves, to the people, and to so good a Sovereign as his Majesty; but to venture further, would prove a most dangerous experiment. Lord North concluded with the declaration, that he should tremble for his country if the resolutions were adopted; that if the House thought that any advantage could repay the violation of the constitution, and acted upon that principle, that principle would prove their ruin; that

that he should not himself probably live to see the fatal effects which might follow, but his posterity would ; and there were Gentlemen who sat there that might one day repent, in the bitterness of affliction, the wreck of public freedom, and curse the hour in which they had suffered the bulwark of the constitution to be assaulted with such illegal violence.

Mr. *Sheridan*, after endeavouring to prove that the authority of Dr. Willis was not equal to that of the other physicians who attended his Majesty, and that the Queen ought not to possess the power, with which it was proposed to invest her, over the King's person and household, begged leave to ask the Right Honourable Gentleman a single question—*What were his motives for refusing to invest the Prince with all the powers of the Sovereign ? What apology could be made for the inconsistency, the meanness of his conduct ?* He refuses the Prince to exercise that branch of the prerogative which admits his extension of the peerage, but he does not restrict him in forming negotiations, or making peace or war. If his Majesty should recover from his malady, and if the harmony and the prosperity of the country were destroyed ; if the kingdom were involved in war with distant nations, provided that the Regent has not conferred the reward, due to merit, to any gentleman whose loyalty and consequence entitled him to the honours of the peerage—all would be well.



In the end of the Right Honourable Gentleman's speech, he remarked the probability there was of the nation falling into the hands of a *dangerous confederacy*; but if it were not apprehended that the Prince would *change the present Ministry*, we should never have heard of such harsh epithets—we should have heard of *no limitations*. The awful situation of public affairs, he observed, should dispel all party differences; and though the Right Honourable Gentleman talked of a factious confederacy, and a factious party—still, in the face of his country, he would assert, that to *this* party it was obliged, and to its struggles, for that constitution which is left for some men to abuse, and others to prate about. The *plan* which had been submitted to the Committee that night was, in all its prominent features, the greatest *monster* which he had ever seen. It was in no one line either correct or applicable to its purpose. It tended to create a government which, in its nature, must be weak; a government which, in a moment of such delicacy as the present, ought to unite all factions, and meliorate all asperities, was calculated to spread disunion and jealousy; to fill our colonies, our friends and allies with just apprehensions, and to inspire our enemies with well founded hope; to propagate, job, and intrigue at home, to engender and animate machinations abroad; to place the Heir Apparent in a situation of great responsibility without power, and



to suspend for the time, and keep it as it were in obedience, the third estate of the realm. These were the evils which would flow from this scheme, and which, if adopted in the shape now proposed, would evidently endanger the present well-being, as well as by the dreadful precedent ascertain the future destruction of the empire. The Right Honourable Gentleman, Mr. Sheridan said, had argued, that if the full authority had been delegated to the Regent, that a confederacy might have been formed against the King, by which he might have been prevented from re-assuming the reins of government on his recovery. This *daring* and *unwarrantable assertion*, so *insulting* to the *filial piety* of the PRINCE, called aloud for the reprobation of every Gentleman. If *charges*, such as these, thrown out loosely, sharpened, as they did, the feelings of the Honourable Gentleman who proposed the amendment, and who stood detached from all party, what effect must they have on those, who, like himself, *avowed* and *gloried* in being a *party man* ! If charges were thrown out against party, they would be felt and resisted with party feelings. The Right Honourable Gentleman, when he had made *fourteen* or *fifteen Peers*, had never heard any charge of a violent confederacy from this House, though in the other he may have heard a just murmur to that effect : But this, says he, is not the manner he wishes to be reminded of his

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inconsistencies. The *ambition* of the Right Honourable Gentleman would be highly gratified when he could proclaim abroad, that *he* had the *power* of making *Peers*, and of *making* and *unmaking* *Kings* ! In this case, he could have no doubt but the people would flock to the Right Honourable Gentleman's door to have the banners displayed on his ramparts. The Horse Guards, the Corps of Artillery, and the Chamberlain should attend him ; the Officers of State should appear in his suite, whether to attend him to the Capitol, or to hear the thunder of his eloquence without. Those, says he, who dare give the Queen advice to lend her name to the factious government of her son, and contrary to the opinion of the Right Honourable Gentleman and his friends, shall be eternally proscribed. If when the KING recovers, and he asks, *who leads the Beef Eaters*, and *who marshals the Gentlemen Pensioners*—*who breaks down the old mansion-house*, but *takes care of the looking-glasses in the drawing room* ? He will be told it is the Right Honourable Gentleman ; and he will also be told, as an instance of the Gentleman's *gratitude*, that the PRINCE of WALES and DUKE of YORK are deemed *unworthy* his confidence, and remain without any mark of respect, and, of course, that the Right Honourable Gentleman must think them aliens to his Majesty's affections, and that their interests are by no means interwoven with that of their *Royal Parent*.

*Parent.* The Right Honourable Gentleman, he observed, seemed particularly concerned in contemplating the loss his Majesty must sustain, when deprived of those Ministers who would take such extreme care of his affairs; “but,” says he, “I hope they are not formed of such  
 “brittle materials as not to be easily collected, and as easily united, whenever it may  
 “please the Sovereign to have occasion for them. As to the insults they have heaped on  
 “the royal family, these, he observed, would afford the King no pain, provided the Right  
 “Honourable Gentleman’s arrangement of the Court Calendar was properly respected.” There were, he insisted, much *duplicity* and *craft* in the whole proceedings *against* the Prince; and that the ground on which the Right Honourable Gentleman acted, tended to *destroy* the *fundamental principles of the constitution*, and had nothing for their design but to uphold a desperate party, perhaps at the expence of general tranquillity.

Mr. Grenville (the Speaker) rose next, and, after some preliminary observations, delivered himself to the following effect:

In all our deliberations on this subject, the first ground and foundation to be established is, the nature of our present situation, as it results from that calamity, from which alone the necessity of these proceedings has arisen. It is unnecessary for that purpose to recapitulate the particulars



which have appeared in the course of our enquiries. It is sufficient to say, that the result of those enquiries appears to have established three propositions. First, the actual inability of his Majesty to attend to the discharge of the several duties of his exalted station; secondly, the probability of his Majesty's recovery; and, thirdly, the hope that this event is near at hand, and that his Majesty's disorder may probably not be of long duration. The two first of these propositions are established by the direct and concurrent testimony given by all the physicians, as often as they have been examined. With respect to the third, we have, indeed, no such direct evidence, because these Gentlemen have felt a natural reluctance to commit their characters by any precise opinion on such a point. But they have stated to us facts, from which we are enabled to draw the same conclusions with respect to the third question, which they have themselves established, as resulting from similar premises with respect to the second. They have told us, that the greater number of persons afflicted with this malady have recovered; and that they conclude from thence, that the probability is in favour of his Majesty's recovery. They have also told us, that the greater number have recovered within a short period, and that there are no particular symptoms in his Majesty's case which indicate a long continuance of his disorder.



order. Applying, therefore, these facts, as stated by themselves, to their own mode of reasoning upon them, we are certainly warranted in drawing the same conclusion, that although the time of the recovery, as well as the recovery itself, is in the hands of God alone, yet, that as far as human experience has enabled us to judge, the duration of this calamity will probably not be extended to any distant period.

In this situation we have thought it necessary, in the first instance, to make an authentic and formal declaration of the circumstance of his Majesty's present inability to attend to public business. The next question which would naturally arise in the mind of every man, was this : whether any provision had been made by the laws of our country for the case of such inability ; or if not, in whom, by the spirit and principles of the constitution, the power was vested of providing for this new and unforeseen emergency ? No argument of mine can add weight to the joint resolutions of the Lords and Commons of Great Britain on such a question ; but I feel myself bound to declare, that I subscribe to those resolutions with the most entire and perfect conviction. I conceive it to be among the first principles of the British constitution, that no rights can be claimed or exercised as against the people, except those only which have been given by known and positive laws appearing on the

face of our statute book, or proved by immemorial and uninterrupted usage; and that whatever power or authority has not be so conferred, still resides with the people at large, to be exercised by them through the channel of their lawful, full, and free representatives.

There is, nevertheless, one question which may still arise, and which, however it may appear to be precluded by the resolutions to which we have already agreed, does yet, in one view of the subject, come under our consideration this day, as a point entire and untouched. It is now declared, that this and the other House are alone to provide for any emergency of this nature, and are to make such provision for it as the exigency of the case itself shall appear to us to require. An idea has been suggested to the public, that although the two Houses of Parliament constitute the only power competent to act on this occasion, yet that the sphere of their action is confined within a very narrow limit: that they can lawfully proceed no farther than to call some person to the exercise of the Royal Authority; and that whatever other provisions the existing circumstances may require, must be made hereafter, with the consent of such person then representing the Sovereign, and exercising, at his own discretion, the legislative functions of the Crown.

In support of this proposition, the statute of the 13th of Charles II. cap. 1. has been quoted, by which it is enacted, that any person who maintains that the two Houses of Parliament have any legislative authority without the King, shall incur all the penalties of a *premunire*. This act has been much referred to on the present occasion, both as declaratory of the ancient constitution, and as a law still in force, and consequently binding upon our conduct.

For my own part, I am not at all moved by the authority of this statute, which I consider as wholly inapplicable to our present situation. No one can doubt, that in the ordinary course of government, the principle of that act is binding upon us, as the very foundation and corner stone of the British constitution. When the throne of these kingdoms is full, and when the King is personally capable of discharging the duties of his station, his express concurrence is unquestionably necessary to every act of legislative power. But on such an occasion as the present, it appears to me that the very same necessity by which we are compelled to act at all, extends itself to the manner in which we are to act, superseding both the letter of this statute, and the principle on which it is founded.

I certainly had the honour to concur entirely, not only with the general principle on which we have asserted the right of the two Houses to pro-



vide for this emergency, but also with the grounds on which we resolved that the proper mode of making such provision would be, by determining on the means by which the royal assent may be given in Parliament to a bill for establishing the Regency. In every step which we take under our present circumstances, it is, in my opinion, extremely material that we should adhere, as far as possible, to the established forms of that constitution. And, in this particular instance, I conceive that the signification of the royal assent, by the Great Seal, that organ through which the authority of the Crown speaks in the most solemn and authentic manner, is not a point of form only, but follows as a necessary consequence from some of the most important principles of the constitution, which could not be neglected without great and manifest danger. But looking to the substance of the duty which we are now called upon to perform, I can have no difficulty to declare explicitly, that in providing for this emergency, I conceive that the two Houses of Parliament must in reality act in a legislative capacity, in so far, and so far only as the necessity of the case requires.

We have already declared, that we acknowledge no right existing in any person, however exalted his rank may be, to act in this instance on the King's behalf, except under the authority of Parliament. And should it be true, that no  
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act, which is substantially and really of a legislative nature, can be performed, even in such a case as the present, by the Lords and Commons of Great Britain alone, it is impossible that we can cure this defect by appointing some person, who, deriving his authority from us, shall exercise the royal functions in the place of the Sovereign. For, whatever form we may adopt, would it not, in truth, be directly and plainly an act of legislation, to declare that the force of laws shall henceforth be given, and the obedience of the subject be duly paid, not to acts of Parliament passed by King, Lords, and Commons, but to bills passed by the two Houses, and assented to by a Regent, having no authority to give such assent, except what he derives from our proceedings? In any case, therefore, this statute, if it applies at all to the present circumstances, must prevent the possibility of any legal provision being made for this situation.

On this ground alone I should contend, that such a principle of law cannot exist as applicable to these circumstances. And I should urge, in support of this position, the opinions of those writers whose names are the first in legal weight and authority, particularly that of Sir William Blackstone; who tells us expressly, in arguing on a point immediately connected with this subject, that “the necessity of the case supercedes all law.”

But I must also beg leave to desire that this question may be examined upon the example and practice of our ancestors in two distinguished instances; the one occurring at the very period of passing this statute, which I have before referred to; the other within no very long term of years subsequent to it. At the Restoration, the first step which was taken for re-establishing the British constitution, was to declare, by a solemn resolution, that the only legal government of these kingdoms resided in the King, Lords, and Commons. Yet, immediately after this declaration had been made by both Houses, and after they had recognized their true and lawful Sovereign, they proceeded, in his absence, to the exercise of several functions both of legislative and of executive government; not certainly as intending to supersede the authority of their King, whom they had so recently acknowledged; but because they felt it their duty, both to him and to their country, to perform whatever acts were necessary to prepare the way for his return.

At the memorable æra of the Revolution, this statute was still in full force and vigour, not considered as an obsolete law, but as one passed not many years before, and founded on the experience of misfortunes which were still fresh in the recollection of the nation. But if the Convention Parliament had then admitted its operation, as applying to the circumstances under which



they met, it must have stopped their deliberations in the very first outset, and must have raised an insuperable obstacle to those measures to which alone we are indebted for the preservation of our rights : or even if they had thought themselves at liberty to declare the forfeiture of their Sovereign as an existing fact, arising from no act of theirs, but from his misconduct, let it be considered what, under the letter of that statute, must have been their subsequent proceedings. They must have acknowledged that the Crown had thereupon immediately descended to the next heir of King James ; and that without the sanction and concurrence of their new Sovereign, no measure could legally be taken by the two Houses of Parliament. Instead of this, they felt themselves warranted by the necessity of the case, first, to set aside the abdicated King ; next, to disinherit his son, whether real or pretended ; and, lastly, in the settlement of the government, to introduce a new order of succession, disregarding the strict line of descent, even in the persons of the two next Protestant heirs. What is there which can be a more direct or manifest exercise of legislative authority, than each of these several steps ? The transferring by law the obedience of a whole people from the Sovereign to whom they had sworn allegiance—the superseding his immediate heirs, on whom the right to that al-

legiance descended, according to the fundamental institutions of the monarchy—the changing the established order of succession to the throne in the existing circumstances—and the imposing new conditions and limitations on the subsequent descent of an hereditary Crown.

Another argument has, however, been urged against our proceeding to provide a remedy by our own authority, to the whole extent of what the present emergency may be thought to require. An apprehension has been stated, that such a claim might be extended beyond the necessity of our situation, or might hereafter be used against the Sovereign himself, and to the subversion of our happy constitution. To this it might be answered, in the first place, that no just argument can be drawn from the possible abuse of any power, against the right to use it in a regular manner, or to apply it to the legitimate purpose for which it was given. A tyrannical King, and a corrupted Parliament, might use their power of legislation for the purpose of annihilating every trace of our laws and liberties. But shall we therefore say, that by the British constitution the power of legislation does not reside in the King, Lords, and Commons? Or, if not, how is it more reasonable to argue against the existence of a right in the two Houses to provide, when necessity requires it, for the security

rity and welfare of their country, because they might, in a different situation, act in a manner prejudicial to these important interests.

There is, however, another answer applying more immediately to the particular question which we are now discussing. The principle which the two Houses of Parliament maintain, and have declared by their joint resolution, is this ; that our right to act in this instance in a legislative capacity, being created by the necessity of the case alone, is also limited by that necessity. If the same necessity hereafter arises, we shall have no reason to fear any evil consequences from the exercise of the same right. Whenever the right shall be claimed, without the existence of such necessity, or whenever its exercise shall be pressed beyond the occasion which requires it, the claim will not only be unsupported by these proceedings, but will be in direct contradiction to the express principle on which we rest our conduct. Let it therefore be remembered, in discussing this question, that it is not by adhering to the line which we have laid down for ourselves, that we shall give just ground for such apprehensions as have been stated ; but that it is by departing from it, by exceeding the limits of the necessity which creates our right to act, and by conferring powers beyond the warrant of that occasion, by which alone we can be justified in delegating



delegating to another any portion of the constitutional authority of the Sovereign.

The only remaining objection to the present proceedings of the two Houses arises from comparing them with the particular measures adopted at the periods which I have already mentioned; and from shewing that they differ from these, and especially in this respect, that no consideration of limitations or restrictions on the regal power was entered into by Parliament, previous either to the restoration of Charles the Second, or to the act which placed King William on the throne of England. It seems to me, that this ground of argument is entirely removed by the application of the principle which I have just stated, and which is essential to every part of this subject. The separate interference of Parliament, in those cases, could, with propriety, be carried no farther than the bounds of that necessity in which it originated; and whatever difference exists between those proceedings, and our present measures, arises entirely from the different circumstances for which we are now bound to provide.

At the period of the Restoration, the necessity under which our ancestors acted, required no more than this only, that they should acknowledge, on the behalf of their country, the just title of their lawful Sovereign, and that they  
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should prepare the way for his immediate return, to take upon him the administration and government of his kingdoms. Their measures were therefore confined to those objects, to provide for a period of a few weeks at farthest, which might elapse before the arrival of their Sovereign, and to remove those obstacles to his return which had been created by the preceding usurpation.

We are next to consider what was the situation and conduct of Parliament at the æra of the Revolution. It has been proposed to us, not as a duty resulting from any principle of law, but as a point of expediency, that we should copy the precedent of the Revolution, by addressing the Prince of Wales to take upon him the royal authority; and that we should then proceed, with his concurrence and assent, to the establishment of such limitations as the circumstances may appear to require. But in order to see how clearly this example is inapplicable to the present case, we have only to examine what was the nature of that necessity under which our ancestors were compelled to act at that memorable period. They were to supply the vacancy of the throne, occasioned by the forfeiture of a Sovereign, who had violated the fundamental laws, and had laboured to subvert the constitution and religion of his kingdoms. They were to provide for the immediate administration of the government, which

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he had abdicated, and which would otherwise have fallen into utter and irretrievable confusion. But they had another and a more important duty, which they owed to themselves and to their posterity, and in the discharge of which they hazarded every consideration of personal interest and personal safety. The preservation of our laws, religion, and liberties, had rendered it necessary for them to drive their Sovereign into exile. A still stronger necessity required that they should effectually provide against the revival of that inauspicious system which he had pursued, and that they should establish their new government on such a firm and solid foundation, that he might never afterwards be in a situation to reassume his authority, to revenge himself of those who stood forward to oppose his tyranny, and to seize some more favourable opportunity for destroying the constitution and overthrowing the religion of the country. Under such circumstances as these, there was but one step that could be taken with propriety and safety—to place the Crown immediately, with all its full power, prerogatives, and authority, on the head of the Prince of Orange, the only person who could, by the wisdom of his councils, and the vigour of his arms, defend the nation against any attempts, whether originating at home or abroad, to restore the former Sovereign to the exercise of an authority which he had so justly forfeited. If

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we compare these transactions with the present situations, we shall see that they have but one point in common, namely, the right and duty of the Lords and Commons to provide legislatively for those cases, where the concurrence of the three branches of the legislature cannot otherwise be obtained. The duty which is now incumbent upon us is not, as in the first case, that of putting a King into the immediate possession of an authority which has devolved upon him by the course of inheritance, and the limits of which are clearly ascertained by the existing laws; but it is that of creating a new and delegated trust, to be exercised for a temporary purpose, and to be vested in an office unknown to the constitution of the country: nor are we, as in the other case, called upon to supply a vacancy in the throne, by the election of a Sovereign, or to preserve our laws and liberties, by placing the sceptre in those hands most likely to maintain it against its former possessor. We are to consider by what person, in what form, and with what degree of authority, it may be proper that the government of this country should be administered, during the continuance of the indisposition of our Sovereign, and how it may be restored to him without delay or difficulty, immediately upon the happy event of his recovery. In deliberating upon this subject, we should always bear in mind, that the throne is

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not vacant, but full. Instead, therefore, of hastening, as at the Revolution, to create and to strengthen a power which may effectually prevent his reassuming the government, we are bound by every consideration of allegiance to him, and of concern for our country, to adopt a line precisely the reverse of this, and to weigh the effects of every step we take, before we can feel ourselves at liberty to give into other hands any portion of the supreme and sovereign authority of these kingdoms. We are attached, and we have infinite reason to be so, to that part of the British constitution, by which the Crown of these kingdoms is declared to be hereditary. But let it be remembered, that every argument which can be used in favour of hereditary monarchy, applies with greater force to the maintenance of this proposition, which is essentially a part of the same principle, that during the life of the Sovereign, he cannot, except by his own misconduct, be divested of his constitutional authority. And it is well worthy our consideration, that the more strongly we recognize the right of inheritance to the Crown in the event of a demise; the more essential it becomes to guard, with the utmost jealousy, against the admission of any principle which leads to the assertion of such a right when there is no demise, and against the adoption of any measure which might afford the means of superseding the King's authority during his

his life, under the name and influence of that person on whom his Crown would in the course of nature legally devolve.

In touching upon this part of the subject, however strongly I may feel and express the necessity of providing the fullest security for the permanent authority of the King, I trust I shall not be considered as casting any imputation upon the character of his Royal Highness the Prince of Wales. I think myself bound to argue this question upon very different grounds. If there be any one circumstance which serves, above all others, as a land mark, to distinguish, and at the same time to maintain, the boundaries between a free and an arbitrary government, it is this ; that in despotic countries, whatever complaints are made against existing grievances, whatever precautions are suggested against the repetition of former evils, whatever securities are used against the further progress of oppression, are considered as so many reflections on the character of the Prince, in whom resides the whole power and authority of the Crown. In these kingdoms we have established it as a principle of our constitution, that the first executive Magistrate has no personal share in the misconduct of his government ; and it is not only our right, as Englishmen, to discuss those points in a manner distinct from any consideration of the character of the Sovereign, but as Members of  
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this House it is our duty so to do, by the positive laws and institutions of Parliament. Thinking it therefore unnecessary to dwell any longer on this point, I wish to recal the attention of the Committee to the principle which I have already stated—that it is an essential and indispensable part of our duty, in the present circumstances, at the same time that we establish a form of government capable of conducting the public business with energy and effect, to provide a complete and ample security for enabling his Majesty, whenever it shall please God to restore him to his health, to re-assume the exercise of his authority fully, freely, and without embarrassment. Our ancestors have acted on the ground of a similar duty in the case of every Regency which has hitherto existed in this country, as far as we can trace them with any degree of accuracy, either in the records of Parliament, or in the annals of our history : for, if we except the two instances of Richard the Third and of the Protector Somerset (which are both such evident usurpations, that no stress can be laid upon them), it will be found, that, during the course of many centuries, no subject in these realms, however nearly allied to the person of the King, has been permitted, in any case of infancy or disability, to exercise the whole prerogative and authority of the Crown.

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The mode of restriction has, indeed, for the most part, been different from that which is now proposed; but the principle has been the same; that in the establishment of a Regency, it is necessary not to look exclusively to the strength and efficacy of the intermediate and temporary government, but to consult, at the same time, the permanent interest and security of the King, in whose name and on whose behalf the authority so given is intended to be exercised. I have, however, already admitted, that the mode in which this has been done has usually been different from that which is now proposed. The whole powers of the Crown have, for the most part, been called into action, although, I believe, it might be shewn, that this has not always been the case; but they have not been given to any one subject—They have been divided among a variety of persons, differing in rank, situation, and description, and whose jarring interests have been thought to afford the best security that they would not concur in measures prejudicial to the authority of the Sovereign. And, with respect to this point, which relates not to the principle, but to the manner, of limitations, it certainly becomes our duty to proceed with a more than ordinary degree of deliberation, caution, and doubt, when we are desired to depart from the authority not only of remote antiquity, but even of recent precedents,

established by persons eminent for their integrity and wisdom. For my own part, however, though wishing to speak with all the respect which I owe to those precedents, I cannot but say, that I have very serious doubts whether the two last Regency Bills were well adapted to the circumstances of the times in which they passed.

But this, at least, I may assert with greater confidence, because I know I am supported in it by the general opinion of this House and of the country, that, in the present case, the establishment of such a form as there is provided, would have been productive of infinite mischief, without being compensated by one real advantage. We are, I believe, all agreed, that the government of these kingdoms should, during this unhappy interval, be committed to the administration of one person, and that it is extremely desirable that this person should be his Royal Highness the Prince of Wales:—but if, by general consent, we depart, in this respect, from the practice of our ancestors, it surely cannot be reasonable to argue, that we are, therefore, bound to adhere to it in another point, so intimately connected with the former.

It cannot be a just conclusion to say, that, because they committed the whole authority of a King into the hands of a Regent, controlled and fettered by a fixed and permanent council, it is  
proper



proper for us to delegate the same power to a single person, unrestrained by a similar check. It seems, on the contrary, that the more widely we depart from one line of limitation and restraint, the more we are bound to look for some other, of carrying the same purpose into effect; unless, indeed, we reject, as useless and improper, the whole principle of providing a security of the rights which are hereafter to be exercised by the Sovereign himself, in the happy event of his recovery. Those who hold that principle to be founded both in wisdom and in justice, must make their option between the two propositions, of a Regent controlled in the exercise, or limited in the extent, of his authority. Of these I have no doubt in saying, that the latter is infinitely more agreeable to the true spirit of the British constitution; that whatever degree of political authority is fit, under any given circumstances, to be exercised for the purpose of executive government, should be exercised by a single person; and that, whenever any just ground of danger is found to exist, it should be guarded against, if possible, by limiting the extent of the power so exercised, rather than by dividing amongst many, what cannot, with propriety, be entrusted to one. Such is the principle on which Parliament has proceeded, at different periods, to diminish the influence of the Crown itself, not holding it necessary, as a general proposition, that the same

of power or influence should at all times belong to the executive government; but thinking it their duty to consider and regulate this point according to the fluctuation of the various circumstances by which it has been affected. In this manner, the Household of the King has, within these few years, been regulated by the authority of Parliament; and, in proportion as circumstances appeared to require it, the number of placemen sitting in this House, and the influences of the officers of government in elections, have at different times been restrained by our interference. The application of the same principle to our actual situation is much stronger; and I am satisfied in my own mind, that it affords not only the most constitutional, but also the most advantageous mode of providing that security, which, in the present case, is of indispensable necessity. It is by no means a just conclusion, either from the theory or practice of the British constitution, or from any general principle of government, that the same powers which may be entrusted with propriety to the permanent authority of a King, are equally fit to be committed to those hands which are to exercise the temporary and delegated functions of a Regent. The provisions which respect the prerogatives of the Crown, in this country, are adapted to the ordinary course of an established government, and are calculated for a long continuance :

nuance :—because, if Parliament were in the constant habit of regulating and directing the exercise of the prerogative of the Crown, those prerogatives would in fact become the prerogatives not of the Crown, but of Parliament itself. It is therefore just and prudent, that, in apportioning these, a due consideration should be had not of the necessities which exist at any one precise moment, but of those which may be likely to arise within a considerable compass of time. But, in the establishment of a Regency, the case is directly the reverse. We are to look not to the general exigencies of Government, but to those occasions which may probably exist during the period for which the system so provided is intended to continue : and as, for this reason, there may frequently be much less ground to justify the grant of particular powers, so, on the other hand, there will almost always, in such a case, be infinitely more temptation to abuse them. The permanent interest of a Sovereign will frequently operate as a restraint on him, in those very points where the possessor of a temporary authority, however near to the Crown in prospect or expectation, will feel himself most desirous, and will be most strongly urged by others, to exceed the limits of a just and sound discretion. Therefore, Sir, on the full consideration of the extent of that necessity, by which we are empowered to act—of the example of our ancestors,



whose steps we follow—of our duty to our Sovereign, of whose rights we, and we alone, are the true guardians and protectors—and of our concern for the interest of millions of our fellow subjects, whose dearest interests are now committed to our care—I feel myself enabled and called upon to give a decided opinion in favour of a Regency limited with respect to power.

It remains for me to consider the several restrictions which have been this day proposed.

I agree with the resolution which restrains the power of creating Peers; and I do it on two separate grounds.—First, because I am clear, that, during the short period for which we are now providing, no inconvenience whatever can result from the suspension of this prerogative of the Crown: that there is, for this reason, no necessity for our delegating this power to any other hands; and that we have therefore no right to confer it on the Regent. But there is, in the second place, a more important consideration which applies to this subject. Of all the powers of the Crown, this is the most liable to be abused under a delegated and temporary government; and it is also that from the abuse of which the most injurious consequences would arise to the permanent interest of the Sovereign. The power to create, at discretion, a lasting influence on the deliberations of one of the branches of the Legislature, is a prerogative of so high a nature,  
that

that nothing but a strong necessity would justify that principle of the Constitution, which has placed it in the Sovereign himself. The case of a Regent is widely different. If we suppose him to be misled by the counsels of men desirous of availing themselves of a short interval of authority, in order to establish for themselves an influence in the State paramount to that of their Sovereign, what other mode could be so naturally resorted to for this purpose, as the abuse of this particular branch of the prerogative? How could they hope more effectually to secure the continuance of their own power, than by retaining the means, if not of preventing the King's return to the exercise of his authority, at least of embarrassing and thwarting him in every instance in which he might feel it his duty to counteract their views of personal interest or ambition. It may, indeed, be said, that the same restraint, which I have before mentioned, as operating on the exercise of this power by the Sovereign himself, does in some degree apply to it, even in the hands of a Regent; and this might be true in the case of a Regent whose authority was permanent, or even certain in its duration. But let it be considered, that, in the present case, exactly in proportion as the probability of the King's recovery increased, the force of this restraint would gradually be weakened, and the temptation to the abuse would grow more powerful

The persons who advised the Regent, would then feel it less likely that the consequences of any misconduct of theirs, in this respect, would be injurious to the government in their own hands; and they might, perhaps, imagine, that they had an interest in the mischiefs which it would entail on the subsequent Administration of the Sovereign. The consideration, therefore, of the shortness of the interval for which we now provide, serves at once to shew, that no necessity can exist for giving this power, and to afford a great additional weight to the apprehension of danger resulting from it.

The limitation which would prevent the Regent from anticipating the King's authority by reversions, and from fettering it by the grant of offices for life, is a part of the same principle which has just been stated; and though, in its consequences, certainly not of equal importance, is nevertheless, in my opinion, highly necessary to be adopted.

The propriety of the restraint on the disposal of the real and personal property of the King is admitted on all hands, and is founded on the same principle which would be adopted in the case of any other individual in similar circumstances.

The only remaining question is that which relates to the fifth resolution, opened to us in the beginning of this debate. That the care of his  
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Majesty's person should be entrusted to the experienced virtues, to the anxious and long-tried affection of the Queen, is, in my opinion, self-evident on every ground of public duty and of private sentiment, in a case where even private sentiment should not be disregarded. As a point intimately and inseparably connected with the discharge of this interesting trust, the care and superintendence of his Majesty's household must be invested in the same hands. The only doubt, indeed, which could arise upon this subject would be, whether under the present circumstances, the existing establishment ought to be maintained: but if maintained, it can be put under no other direction than that to which the care of his Majesty's person is entrusted. For, that any other authority should be suffered to interfere in points so immediately connected with this duty, and that the domestic uneasiness inseparable from such a system should be allowed to add to the weight of the severest affliction, is, I am sure, an idea too shocking to be entertained by any of those persons whom I address in this place.

The proposition of reducing the King's establishment in the present moment would, however, as it appears to me, be scarcely less repugnant to the feelings of a generous people. The smallest degree of reflection upon this subject, must render it impossible that we should  
reconcile

reconcile our minds to such a step. It will certainly be felt to be inconsistent with the sentiments which we all entertain towards our Sovereign, even if we could be assured that he must always remain unconscious of the disregard which he would thus have experienced from the Representatives of the British nation. But if we carry our eyes farther, and look to that happy period to which our wishes and our hopes are turned, what a picture must then present itself ! Let us, if we can, imagine, what must be his feelings in such a moment as that, when he is told that his Parliament has availed itself, with eagerness and avidity, even of the shortest interval, to new-model the offices attendant on his person, and by a miserable œconomy, to degrade their Sovereign from those circumstances of splendour which belong to the rank in which he was born, and to the station which he still occupies.

We know, and it will not be disputed, that the splendour which attends our Monarchs in the exercise of their authority, is not created for an empty pageant ; is not given to gratify an idle vanity, which they would be ashamed to feel, but is established for solid reasons of sound policy. It serves to mark and to define that rank in which the constitution of this country has designed them to stand. I mean not certainly to compare these external circumstances with the real and substantial dignity of a King—with the

power of administering justice in mercy, or with the power of conferring happiness on millions of his fellow-creatures. But if there exists a situation under which our Monarch is for a time unhappily debarred from a personal exercise of these best prerogatives of his station, is it not rather an additional reason for continuing to him the outward forms and ensigns of Sovereignty? Even if our present hopes should be disappointed, and if by the continuance of this calamity we should hereafter find ourselves compelled to resort to a new arrangement in this respect; yet let it never be forgotten, neither at this, nor at any other period of his life, that the duty which we are this day to discharge, is not that of electing a King to reign over us in his stead, but that of creating a delegated trust to administer the Government during *his* indisposition, in *his* name, and on *his* behalf.

Mr. *Welbore Ellis* spoke strenuously against the restrictions, and contended that there was a double responsibility, while the whole of the prerogatives were in the hands of the Regent; whereas, withholding any, was, in fact, withholding so much responsibility.

Mr. *Drake* spoke in high terms of the Prince of Wales; but seemed rather to lean towards the opinion, that his Majesty's household should remain as it was, and be under the direction which had been proposed.



Col. *Fullarton* made a very sensible and elegant speech. He observed, if the Chancellor of the Exchequer intended that the personal prerogative of the King should remain dormant as long as his Majesty's malady continued, he would quote his own words as applied to another gentleman, and say, "that such an intention was treason to the Constitution." He contended, that whatever was held from the State was lost to the State; and quoted a circumstance, from the reign of Charles VI. of France, as bearing a strong analogy to the present period, when a cabal was formed to exclude his heir from the Government; and, although the Monarch was incapacitated at the time, that he was yet made to sign an instrument, to the exclusion, at least for a time, of the lawful successor.

At length the Committee divided on the question, "that the words proposed to be left out, do stand a part of the resolution." The numbers were,

Ayes, 154.—Noes, 227.—Majority, 73.

As soon as the second motion was made, "not to confer the rank or dignity of a Peerage," it was moved, by way of amendment, to insert the words, "for a time to be limited."

Mr. Fox spoke with great ability in favour of the amendment, after which the Committee divided. The numbers were,

Ayes, 159.—Noes, 216.—Majority, 57.

All the other resolutions, except that respecting the King's household, were then severally put and carried.

MONDAY, *January 19.*

### RESTRICTIONS ON THE REGENCY.

After some conversation, which originated with Mr. M. A. Taylor, with respect to any, and what communications had been made to the Prince of Wales\*—the question on the order of the day was put and carried.

Mr.

\* We shall here insert, as in their proper place, the following important documents.

*Authentic Copy of Mr. Pitt's Letter to his Royal Highness the Prince of Wales, left at Carlton House, on Tuesday Night, the 30th of December.*

SIR,

THE proceedings in Parliament being now brought to a point, which will render it necessary to propose to the House of Commons, the particular measures to be taken for supplying the defect of the Personal Exercise of the Royal Authority during the present interval, and your Royal Highness having some time since signified your pleasure, that any communication on this subject should be in writing, I take the liberty of respectfully entreating your Royal Highness's permission to submit to your consideration the outlines of the plan which His Majesty's confidential servants humbly conceive (according to the best judgment which they are able to form) to be proper to be proposed in the present circumstances.

It is their humble opinion, that Your Royal Highness should be empowered to exercise the Royal Authority in the name and on the behalf of His Majesty, during His Majesty's illness, and to do all acts which might legally be done by His Majesty; with provisions,

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Mr. *Pitt* then rose, and observed to the Committee, that, on a former day, he had the honour

nevertheless, that the care of his Majesty's Royal Person, and the management of His Majesty's Household, and the direction and appointment of the Officers and Servants therein, should be in the Queen, under such regulations as may be thought necessary.—That the power to be exercised by Your Royal Highness should not extend to the granting the real or personal property of the King, (except as far as relates to the renewal of Leases) to the granting any office in reversion, or to the granting, for any other term than during His Majesty's pleasure, any Pension, or any office whatever, except such as must by law be granted for life, or during good behaviour; nor to the granting any rank or dignity of the Peerage of this Realm to any person except his Majesty's issue, who shall have attained the age of twenty-one years.

These are the chief points which have occurred to his Majesty's Servants. I beg leave to add, that their ideas are formed on the supposition that his Majesty's illness is only temporary, and may be of no long duration. It may be difficult to fix beforehand, the precise period for which these provisions ought to last; but if unfortunately His Majesty's recovery should be protracted to a more distant period than there is reason at present to imagine, it will be open hereafter to the wisdom of Parliament, to re-consider these provisions, whenever the circumstances appear to call for it.

If Your Royal Highness should be pleased to require any farther explanation on the subject, and should condescend to signify your orders, that I should have the honor of attending Your Royal Highness for that purpose, or to intimate any other mode in which Your Royal Highness may wish to receive such explanation, I shall respectfully wait Your Royal Highness's commands.

I have the honor to be,

With the utmost deference and submission,

S I R,

Your Royal Highness's

Most dutiful and devoted Servant,

*Downing-street, Tuesday Night,  
December 30, 1789.*

W. PITT.

*Authentic*



nour of laying before the House, the nature of the restrictions which he conceived to be necessary in appointing a Regent. He had also stated,

*Authentic Copy of the Paper delivered by the Prince of Wales to the Lord Chancellor, in Reply to the Letter sent to his Royal Highness from Mr. Pitt.*

THE Prince of Wales learns from Mr. Pitt's letter, that the proceedings in Parliament are now in a train which enables Mr. Pitt, according to the intimation in his former letter, to communicate to the Prince the outlines of the Plan which his Majesty's Confidential Servants conceive to be proper to be proposed in the present circumstances.

Concerning the steps already taken by Mr. Pitt, the Prince is silent —Nothing done by the two Houses of Parliament can be a proper subject of his animadversion; but when previously to any discussion in Parliament, the outlines of a scheme of Government are sent for his consideration, in which it is proposed that he shall be personally and principally concerned, and by which the Royal Authority, and the Public Welfare may be deeply affected, the Prince would be unjustifiable, were he to withhold an explicit declaration of his sentiments. His silence might be construed into a previous approbation of a plan, the accomplishment of which every motive of duty to his Father and Sovereign, as well as of regard for the Public Interest, obliges him to consider as injurious to both.

In the state of deep distress, in which the Prince, and the whole Royal Family were involved, by the heavy calamity which has fallen upon the King, and at a moment when Government, deprived of its chief energy and support, seemed peculiarly to need the cordial and united aid of all descriptions of good subjects, it was not expected by the Prince, that a plan should be offered to his consideration, by which Government was to be rendered difficult, if not impracticable, in the hands of any person intended to represent the King's authority —much less in the hands of his Eldest Son—the Heir Apparent of his kingdoms, and the person most bound to the maintenance of His Majesty's just Prerogatives and Authority, as well as most interested in the happiness, the prosperity, and the glory of the People.

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stated, that the present defect in the personal exercise of the Royal Authority must be supplied;

The Prince forbears to remark on the several parts of the sketch of the plan laid before him; he apprehends it must have been formed with sufficient deliberation to preclude the probability of any argument of his producing an alteration of sentiment in the projectors of it. But he trusts, with confidence, to the wisdom and justice of Parliament, when the whole of the subject, and the circumstances connected with it, shall come under their deliberation.

He observes, therefore, only generally on the heads communicated by Mr. Pitt—and it is with deep regret the Prince makes the observation, that he sees, in the contents of that paper, a project for producing weakness, disorder, and insecurity in every branch of the administration of affairs.—A project for dividing the Royal Family from each other—for separating the Court from the State; and therefore, by disjoining Government from its natural and accustomed support, a scheme for disconnecting the authority to command service, from the power of animating it by reward; and for allotting to the Prince all the invidious duties of Government, without the means of softening them to the Public, by any one act of grace, favour, or benignity.

The Prince's feelings on contemplating this plan, are also rendered still more painful to him, by observing that it is not founded on any general principle, but is calculated to infuse jealousies and suspicion (wholly groundless, he trusts) in that quarter, whose confidence it will ever be the first pride of his life to merit and obtain.

With regard to the motive and object of the limitations and restrictions proposed, the Prince can have but little to observe. No light or information is offered him by His Majesty's Ministers on these points. They have informed him what the powers are which they mean to refuse him, not why they are withheld.

The Prince, however, holding as he does, that it is an undoubted and fundamental principle of this Constitution, that the powers and prerogatives of the Crown are vested there, as a trust for the benefit of the People; and that they are sacred only as they are necessary to the preservation of that poise and balance of the Constitution, which

plied, in order to provide for the dispatch of public business;—but, at the same, that a proper

experience has proved to be the true security of the liberty of the subject—must be allowed to observe, that the plea of public utility ought to be strong, manifest, and urgent, which calls for the extinction or suspension of any one of those essential rights in the Supreme Power or its Representative; or which can justify the Prince in consenting, that, in his person, an experiment shall be made to ascertain with how small a portion of the kingly power the executive government of this country may be carried on.

The Prince has only to add, that if security for His Majesty's repossessing his rightful government, whenever it shall please Providence, in bounty to the country, to remove the calamity with which he is afflicted, be any part of the object of this Plan, the Prince has only to be convinced that any measure is necessary, or even conducive, to that end, to be the first to urge it as the preliminary and paramount consideration of any settlement in which he would consent to share.

If attention to what it is presumed might be His Majesty's feelings and wishes on the happy day of his recovery, be the object, it is with the truest sincerity the Prince expresses his firm conviction, that no event would be more repugnant to the feelings of his Royal Father; than the knowledge, that the government of his Son and Representative had exhibited the Sovereign Power of the realm in a state of degradation, of curtailed authority, and diminished energy—a state, hurtful in practice to the prosperity and good government of his People, and injurious in its precedent to the security of the Monarch, and the rights of his family.

Upon that part of the plan which regards the King's real and personal property, the Prince feels himself compelled to remark, that it was not necessary for Mr. Pitt, nor proper to suggest to the Prince, the restraint he proposes against the Prince's granting away the King's real and personal property. The Prince does not conceive, that, during the King's life, he is, by law, entitled to make any such grant; and he is sure, that he has never shewn the smallest inclination to possess any such power. But it remains with Mr. Pitt



per regard was to be had for supplying the defect of the Legislature, in order that the business of the nation might be carried on with energy and effect, there should be a considerable degree of attention paid to the happy and expected period, when his Majesty might be able to reassume the Royal Authority—by supporting his dignity and importance during the present state of his incapacity. To both these objects, and particularly to the last, might be referred the resolution he was now about to submit to the Committee. The first part of this resolution was, that the care of his Majesty's person, during his illness,

to consider the eventual interests of the Royal Family, and to provide a proper and natural security against the mismanagement of them by others.

The Prince has discharged an indispensable duty, in thus giving his free opinion on the plan submitted to his consideration.

His conviction of the evils which may arise to the King's interests, to the peace and happiness of the Royal Family, and to the safety and welfare of the nation, from the government of the country remaining longer in its present maimed and debilitated state, outweighs, in the Prince's mind, every other consideration, and will determine him to undertake the painful trust imposed upon him by the present melancholy necessity (which of all the King's subjects he deplores the most) in full confidence, that the affection and loyalty to the King, the experienced attachment to the House of Brunswick, and the generosity which has always distinguished this nation, will carry him through the many difficulties, inseparable from this most critical situation, with comfort to himself, with honour to the King, and with advantage to the Public.

(Signed)

*Carlton House,  
January 2, 1789.*

G. P.

illness, should be committed to the Queen. On this point, he should not anticipate even the possibility of any difference of opinion, as it would be in a manner arguing against a proposition that was self-evident.—'The natural feelings of every man in the House must receive consolation and support, in the recollection that there was a person to whom the care of his Majesty might be entrusted with so much propriety and safety. He trusted, therefore, that there could be no possible objection to this proposition, "That the care of his Majesty's royal person, during the period of his Majesty's illness, should be committed to the Queen."

There was *another point*, however, upon which he presumed there would be different opinions, and that was with regard to the powers that were to be given to her Majesty in the discharge of this trust; in the provisions that were to be made for the Household, so as to enable her to discharge that trust with propriety on the one hand, and on the other, to maintain the dignity of his Majesty in his present situation, which they were bound to believe would be short. At the same time, that it was their duty to provide for the political Government of the country, while they were delegating those powers to the Prince that were necessary for the dispatch of the business of the nation, they ought so to conduct themselves, that at the period of his Majesty's recovery, he

might be fully persuaded that they had not been forgetful of him. And, that he had not made a less impression on the hearts of his affectionate and loyal subjects, at the moment of his distress, than when he was in perfect health. The only question related to the Lord Steward, the Lord Chamberlain, to the Master of the Horse, and the other officers of his Majesty's household. Whether an alteration of circumstances, and the difference of expence, and of the duty to be performed, made it fit and decent in that House, during an interval, which they were bound to consider as temporary and short; whether, during this interval, his Majesty's household should be new modelled, and a new system of management introduced; or whether it should remain upon its old footing, and that the officers of it should be under the direction of the Queen. That the last should be the case, hardly admitted of any doubt. They had been told on a former day, by a noble Lord (North) who possessed much ingenuity, and great information and experience, that there was a shorter and better plan of settling this business.—His Lordship had given them his ingenuity, but had withheld his information, by not shewing them what his plan was. He was desirous of putting this question to the feelings and reason of the House, as well as to the feelings and judgment of the nation at large, that it became them during this interval, with  
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the degree of hope they entertained of his recovery, to try the experiment, and not to new model his Majesty's Household. Were they perfectly aware of the ground on which a new system was to be made?—were they perfectly ready to make it? He contended that, under the present circumstances, it was inconsistent with that affection which pervaded every part of the country, to introduce a new system of management.—Would it be proper, at this moment, to delegate the whole executive power to the Regent, when they were looking to a period that was at no great distance, when the King would re-assume the reins of government? It was proper, during his temporary indisposition, that all the exterior of dignity, and every mark of respect that could make a deep impression of the dignified situation of the Sovereign, on the minds of the public, should remain with his Majesty. No man could think it proper for his Majesty, at this time, to be stripped of all the external marks of royalty, and that the direction and management of his household should be new modelled. His opinion was this, that the Queen was the most proper to have the care of his Majesty's person. Secondly, the introduction of a new system was unfit and unbecoming, under the present circumstances, inconsistent with those sentiments of love and affection which they all felt, and had a manifest tendency to diminish those impressions

which it was clearly the wish and duty of every man to preserve in his mind. Although this resolution was intended to answer the two ends which he had mentioned, to provide both for carrying on the Government, and also for the Royal dignity; yet he was ready to confess, that the patronage of so many places as those in his Majesty's household, necessarily gave a great degree of political influence; and that this was in itself an evil. But the same objection lay against it when it was in the hands of the King himself. They could not but adopt this resolution, unless by shewing they were less regardful of their Sovereign in time of sickness, than they had been in time of health. When it was said it would be attended with some pressing, some great and important danger, before they thought such a danger a sufficient reason to lay aside this measure, they ought to be acquainted with the nature of it:—they ought to hear the nature of the danger stated, which they were to fear from adopting this resolution. It had been supposed that those who are now his Majesty's Ministers would soon be in Opposition. He could not say upon what ground they had advanced this proposition. He was a total stranger to every thing of this sort. But supposing it to be true, he was little inclined to think that any man would oppose the measures of Government merely for the sake of opposition, without being able to justify his conduct to the public. The

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*next question* would be, whether that political influence, whatever it was, that arose from the patronage of having the care and management of the King's household, would be exercised in a manner to countenance a factious opposition? He desired Gentlemen to consider to what person this patronage was to be entrusted, and then to reflect with themselves, if it was very likely that the influence arising from such patronage, would be exercised in supporting a factious opposition against the government of his Royal Highness the Prince of Wales. The question was not, whether this would be attempted; but supposing it were, whether it would be of so much weight as to predominate over all the other patronage in the power of the Prince? That the influence which was entrusted to the Queen, should be exercised against the government of his Royal Highness, to countenance a factious opposition, was surely not very probable; and a proposition not to be received without considerable caution. There was no great danger that this influence would render the situation of the country perplexed and embarrassed, even supposing His Majesty's Ministers to act from the worst motives: For he would suppose, however much it might hurt his feelings, that they were capable of acting from improper motives: Yet, from the relation in which the Queen stood to the Prince, there was no great probability they should re-



ceive much countenance from that quarter. Although they ought to attend to œconomy, yet they ought not to be neglectful of his Majesty's dignity. If this was taken away, perhaps the sentiments of the nation might be preserved, but not without regret. He therefore should submit the following resolutions to the consideration of the Committee.

“ That it is the opinion of this Committee, that the care of his Majesty's royal person, during the continuance of his Majesty's illness, should be committed to the Queen's Most Excellent Majesty, and that her Majesty should have the care of removing from, and of appointing such persons as she should think proper, in his Majesty's Household, and to manage all other matters and things relating to his Majesty's person, and the officers of his Household : and to enable her Majesty to execute this trust with propriety, it is also expedient, that a Council should be appointed, to advise and assist her Majesty, and to have power, from time to time, to examine the Physicians upon oath, and other things about his Majesty's person, touching the state of his Majesty's health, and other matters relating thereto.”

Lord *Maitland* declared, that he could not sit with patience, and hear such a resolution offered to the House, without giving it his most decided opposition. He ridiculed the idea of preserving

preserving the King's external dignity, in his present state of incapacity, as highly absurd. Such outward pomp, he said, would have more the appearance of insult and contumacy, than of respect and loyalty to the unfortunate Monarch. —As to entrusting the Queen with the nomination of the Household, though he certainly felt sentiments of the sincerest respect for that exalted personage, he had no hesitation in declaring, that it was exceedingly improper to vest such power in her hands. He had no objection to the separation of the care of the royal person from the exercise of the executive functions. If the Prince of Wales had the whole executive authority, then it would be advisable not to trust him with the care of his father's person; and, on the other hand, if the Queen had the care of the King's person, she ought not to have a single atom of the executive power committed to her. He did not by any means suppose that her Majesty would exert any undue influence, in consequence of the patronage which she would obtain by this resolution,—a patronage amounting to near 80,000*l. per annum*;—but while there existed a possibility of it, it was improper to divide the government, by giving her such a degree of power. The delegation of this power to her was an encroachment on the Constitution; and he hoped, that the good sense of the House would not suffer them to agree to it: indeed, he

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thought they could not accede to it, without betraying every principle of the Revolution, to which they professed themselves to be so strongly attached. He concluded with conjuring the Right Honourable Gentleman not to be so far influenced by a false point of honour, or a vain-glorious desire of triumphing over his political adversaries, as to attempt to destroy the constitution of his country.

Mr. *M. A. Taylor* objected to all the restrictions, as tending to maim and debilitate the Government. He condemned the proposition for conferring the entire management and patronage of the Household on the Queen, as creating a fourth estate in the realm, and consequently hostile to the genius and spirit of the Constitution. What rendered it particularly exceptionable was, that it was to be exercised without responsibility. Much stress had been laid on the character of her Majesty, as likely to prevent all possible danger from entrusting her with this power. The same argument would hold good when applied to the Prince, and would be equally valid for committing the whole of the regal authority into his hands—but those who used it in support of the present resolution, made the argument stop with her, and had no confidence in the character of his Royal Highness.

Sir *John Swinburne* professed himself unfriendly to the resolution, as creating *imperium in imperio*.  
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Nothing, he said, but the moderation and forbearance of his Royal Highness would prevent the dangerous divisions that would arise from the erection of a fourth estate, unknown to the Constitution.

Mr. *Pulteney* observed, if it could be made out, that, by giving the powers of the resolution to the Queen, there was any reason that could be advanced of the probability of her concealing the recovery of the King, he should consider such a reason a fair argument, and a good objection to this resolution; but as no such reason could be well founded, he was of opinion, it was indispensably necessary that every degree of power over the Household should be given to her Majesty, to enable her to discharge the duties of her trust. To suppose she would not discharge them, would be illiberal and unjust in the highest degree. Objections had been made to the patronage of the power that was proposed to be given to her Majesty:—but, surely, the throne was too firmly established, to be shaken by the power of distributing eighty or an hundred thousand pounds *per annum*. He was old enough to remember when it had been resolved, that the influence of the Crown was too great, and ought to be diminished; and was it so altered at the present moment, that the little patronage of the Household could not be dispensed with? Let the Committee consider the patronage of the army

my and the navy, of the customs, of the excise, and all other offices, which pervaded every corner of the kingdom, and then let them contend, if they could, that the patronage of the Household was necessary. The present question, however, did not rest upon those powers of patronage, but upon a temporary regulation for supplying the present deficiency, and for taking care of the safe return of the Sovereign to his government, whenever he should be restored to his people. Would any one contend, that, in the present situation of Europe, Government could not go on without that sort of influence which he had just mentioned? He had no doubt but the country could be governed easily and properly, if the Ministers of the Regent conducted themselves with honour. If they acted uprightly, they would not stand in need of the patronage of the Household; and, if a faction should arise, a dissolution of Parliament was a remedy at all times in their power. He should give his vote most heartily for the restrictions, not from any fear of the motives by which the Prince might be actuated, but to guard against every possibility of danger. He would not admit of the probability of the Lords forming a cabal against the Regent's Ministers; but was of opinion, that if such another unconstitutional bill, as the well known India bill, should be again brought in, it would be very probable

that the Bed-chamber Lords would assist in opposing the passing of it.

Mr. *Bouverie* agreed to the care of the King's person being entrusted with the Queen, and to the latter part of the resolution, proposing to appoint her a Council; but objected to the powers proposed to be granted; and moved as an amendment, that the words "granting the powers," &c. be omitted.

Lord *North* observed, that the resolution consisted of three questions, perfectly distinct from each other—the custody of the King's person—the controul of the Household—and the establishment of a Council.—These questions he proposed to divide.

Mr. *Pitt* observed, that it being his intention to move for the full powers as incident to the custody of the King, any alteration would come better, in the shape of an amendment, from the other side. The question, therefore, on Mr. *Bouverie's* amendment, being put,

Mr. *Grey* began by remarking on the disorders which were inseparable from such a division of government. The safety of the King's right was made the ostensible plea for every measure now introduced, however hostile to their feelings, however it may militate against the duty which they owed to their country. But, when the business came to be considered, it would be found, that the limitations proposed for this purpose  
were



were absurd and ridiculous in the extreme ! An Honourable Gentleman (Mr. Powys) had very properly observed, how idle such restrictions must prove, if seriously considered, to a person who had, at the same time, the army and navy at command.

The powers vested on such an occasion should certainly be equal to the necessity ; but, in the present instance, the want of permanency was in itself a want of strength. The restriction, therefore, respecting the peerage, was unnecessary ; and spoke, therefore, in the plainest language, the existence of that conspiracy, which had been so often mentioned from the other side of the House. They had deemed it necessary to dwell, with particular emphasis on the name of *influence*, and the impropriety of introducing it into that House :—but every person who had watched the changes of our Constitution could not but know, that the mild dominion of influence had, for many years, superseded the harsher dominion of the prerogative.

Mr. Grey passed on to a description of the present situation of her Majesty, on whose character he descanted in terms of the warmest eulogy.—She, however, he observed, had gained her chief praise from having never joined in any political cabal. He hoped that this might be the case in the present instance. He distrusted much the Council of *advice*, as it was termed ; and declar-

ed his dislike to the present resolution, if on no other grounds but one, namely, that it vested a power where it was not possible, by any act of theirs, to attach a responsibility.

Mr. *Dundas* went over all the arguments that have already been advanced in favour of the restrictions in general, and those more immediately before the House.

Lord *North* began by a reference to the objections which he urged on a former occasion against the adoption of the precedent which gave rise to the propositions before the House. He deprecated the idea of the two Houses assuming the right of legislating; and whatever mischief he apprehended at the time, yet could he have hardly imagined that the precedent would have been immediately followed up by so gross an abuse. Some Gentlemen had alluded to the proceedings which had formerly taken place, relative to the influence of the Crown. For his own part, he had been always of opinion, that the Crown possessed no more influence than was absolutely necessary; and he had therefore resisted every attempt which had been made towards lessening it, and he had the good fortune to be supported by the Learned Gentleman who just sat down. He was sorry that his learned friend should forfeit the approbation which he had been so long in the habit of bestowing on his speeches; but so striking was the inconsistency between his  
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present and his former sentiments, and so unwarrantable did he hold the design of mutilating the just prerogatives of the Crown, that he must, in the most pointed manner, reprobate the whole tenour of his speech. Having maintained, that the influence of the Crown was not exorbitant, at the period when he was fortunate enough to have him for his champion, how could he now attempt to argue, after all the curtailments and retrenchments which it had undergone, that it could suffer a still greater diminution in the hands of a Regent, whose power must, of necessity, be, in many particulars, weak and limited. The abettors of such a doctrine were driven to the most absurd and ridiculous situations. They were necessitated to hold this kind of language—Let us do without the Constitution for a short time—no harm can arise from dispensing with it, since it will only be for a little while—probably no more than a month, or two, or three.—But who could answer for its restoration? Who could answer that the House of Lords would give up that very flattering privilege which they now enjoyed, or that they could be brought to agree in restoring the natural functions of the Crown, either to the Prince, though the House of Commons think fit to grant him the power of creating Peers, or to his Majesty, should it please God to restore him to the prayers of his people?—To such inconsistencies were people reduced, when



when they once committed an inroad on the Constitution. They were forced, as the subjects of the day required it, to change their language, and to insist upon principles the most opposite, and maxims the most irreconcilable.

His Lordship ridiculed the idea of the Regent's acquiring such a degree of power and influence from the patronage of the Household, as would render his Majesty's resumption of his dignity either difficult or precarious; and he insisted, that, formed as this country now was, no degree of power, with which the Prince could be invested, would even, after twenty years administration of the government, enable him to impede his Majesty's return to the loyal and affectionate wishes of his people, whenever it may please Providence to restore the use of his faculties.

Sir *John Scott*, the Solicitor General, began by observing, that Gentlemen seemed to have forgotten, that they were to make a choice of evils, and that it was their duty in such a case, to make their choice of that which appeared to be the least evil. When Gentlemen told him, that, by withholding the patronage of the Royal Household, they should be guilty of a breach of the Constitution, let them inform him how he was to discharge his allegiance to the Sovereign on the throne, without taking care that his resumption of his royal authority should be as little

difficult as possible, when he should have recovered his health. He did not speak with indelicacy towards the Regent, if he shewed that jealousy belonging to his character as a Member of Parliament, which it was his duty to shew, respecting the other House of Parliament, and respecting the executive government of the country. They were not acting upon personal confidence, but upon public principles. But let them see what the Regent could do, and what he could not do. Suppose that the bill should be limited to twelve months, and that the King should recover in a fortnight after; and, in that case, suppose an adviser out of that House were to tell the Regent—"Though you have submitted to these restrictions and limitations for a twelvemonth, yet, believe me, you have an inherent right to the exercise of the royal authority. Do not, therefore, submit to the restrictions which have been imposed upon you any longer."—Sir John declared, he did not say that any one would be so bold as to advise him in that way; but the case was a possible case, and it was parliamentary to state the hypothesis, and provide against the danger of such a circumstance. It had been asked, what would prove the consequence, if the Queen should suffer a demise?—In answer to which question, he should also ask, what would be the consequence, if the Regent should suffer a demise?—They would

come down to the House, and provide a successor. In the present exigency of affairs, how were they to do their duty to their country?—They were to do it by the recollection that his Majesty's political character was entire. It was now become necessary for Parliament to provide a person to exercise that part of the royal authority which his Majesty, from his infirmity, could not exercise himself. That infirmity, however, was not likely to last long; and they were to consider what they had to provide as a temporary, and not as a permanent measure.—Perhaps his Majesty might be well in three months. The people, therefore, had a right to expect, that the House of Commons would execute its duty, and not forget the respect due to that Sovereign whom they all loved. How was the sense of the people of England to be collected on the subject? Perhaps, if a Right Honourable Gentleman was asked, he might adopt his first opinion, and say, “the sense of the people was spoken by their representatives in that House;” or he might take up his second opinion, and say, “the sense of the people can only be known from the people of England at large;” or he might go back again to his old doctrine, and say, “the sense of the people of England can only be collected in the House of Commons.”—But, let the sense of the people be taken at their bar, or in any other way, the language which



they would undoubtedly hold would be,—  
 “What! could you not do your duty for three short months? Were you so hasty to dethrone the King, your lawful Sovereign, to whom you have all sworn allegiance, that you treated him with the grossest disrespect, and stripped him of every mark of regal dignity and distinction, after he had been ill no longer than a month?” What would the people say, when they heard that it was refused to the Monarch by that set of men who said it was the public wish that they should be the Ministers of the Regent, although that wish had been circulated in so low a voice, that but few indeed had heard it? Was it possible that those Gentlemen could argue seriously, that the Regent, with the army, the navy, the church, and the revenue at his command, could not carry on a vigorous and effectual government? Where is the integrity of that House, if such arguments were allowed to be used? He asked if his Majesty was not alive, and afflicted with a severe malady? and whether that circumstance was not a reason for giving him additional attendance, rather than taking that away which he had before his illness? It had been observed, that, as soon as his Majesty recovered, and restored himself to the throne, the Regent would retire, and leave him in the undisturbed possession of government. It was the duty of that House to take care that the Sovereign should, in  
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such a case, resume the reins of Government; but they were not to leave it to chance, whether his Majesty might have it in his power to do so, or not. It was, he said, a gross and indecent reflection to suppose that the Queen would employ the power of the household, for the purpose of opposing the government of her son, the Regent. Indeed, no proposition could be suggested which was not clogged with some evil or other; but, of the two evils, he had chosen the least; and, on his honour and conscience, he thought that the plan, which the proposition contained, was, every circumstance of the case being considered, the most safe, expedient, and politic, which could possibly be adopted.

Mr. *Fox* said, that, in discussing the plan of the Regency, he should consider it not as it related to the Prince of Wales, but as it might relate hereafter to a Prince of Wales; nor would he consider the present resolution as it affected the Queen, but as it might affect a Queen; abstracting from the question every personal motive, and viewing it as it might apply to other times, and to other persons. The honourable and learned gentleman had begun his speech with a repetition of that doctrine which he had early started, and frequently pressed in debate, “that the King’s political character was, in the eye of the law, inseparable from his personal; that it remained entire and perfect, and would continue so to do

until his natural demise.”—This doctrine, which had been frequently urged, he had endeavoured, in vain, to have explained; for how that person, whose political faculties were confessedly suspended by a severe visitation of Providence, could exist in the full enjoyment of his political character, was beyond his understanding to comprehend. He well knew that there had been characters in this country, who were called sometimes high churchmen and sometimes tories, who might think that, by propagating the idea of Divine Right, they surrounded the person of Majesty with a mysterious grandeur and authority which inspired an enthusiastic people with a more prompt and ready obedience. If such was the view in which the honourable and learned gentleman wished to consider this mysterious character of complete political existence, without political capacity, he could only observe on his doctrine, that he took up the superstitions of religion, and rejected the morality; for, while he thus enveloped the sacred person of Majesty with a political veil, which, by ancient superstition, was calculated to inspire awe, and secure obedience, he laboured thereby to enfeeble the arm of Government, to cripple it in all its great and essential parts; to expose it to hostile attack, and to ignominious contumely; to take from it the dignity which appertained to itself, and the use for which it was designed towards  
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the people. The honourable and learned gentleman, in pursuit of his doctrine, said, that his allegiance would continue during the life of the King, whatever might be the condition of his mind. That duty, loyalty, and affection, and every rational sentiment which could animate the breast of an Englishman, would lead them all to venerate, to love, and protect the sacred person of his Majesty, however long and however calamitous his malady might prove; these were feelings so predominant, that it was not necessary to take up a moment of their time in asserting their existence. But, when the hon. and learned gentleman stated this as the definition of allegiance, he must enter his protest. He, for his part, considered allegiance as a reciprocal duty, springing up in the heart, in consequence of protection, and which was of equal existence. If the honourable and learned gentleman's definition of allegiance was true, and that not depending on the political capacity, or the exercise of political capacity, but on the bare personal existence of the King, then all which they had heard that day from a right honourable and learned gentleman, who spoke early, (Mr. Dundas) and from the honourable and learned gentleman himself, that these limitations were but temporary, and that the time would come when they must be revised, and the full power given to the Regent, was all inconsistent and

impossible. For, whether the King's malady endured one year, or thirty years, it was precisely the same in the contemplation of this doctrine, and the Legislature could not vest the full powers of the Crown in any other hands, while the person of the King remained. That such was the latent designs of gentlemen on the other side of the House, he did not doubt; and if the honourable and learned gentleman would speak out, he was sensible he would say these were his feelings and determination on the subject. In the present moment, they thought it prudent to conceal this intention. Gentlemen, however, could not be deceived; they would compare the argument with the assertion. The argument was, that he felt and acknowledged the immutable perfection of the King, to which he had sworn allegiance. The assertion was, that if he did not recover, within a short time, the two Houses must alter the present arrangement, and give to the Regent full authority! The honourable and learned gentleman had cursorily mentioned the time when, perhaps, it might be proper to review those restrictions. Perhaps, at the end of a twelvemonth, it might be proper. "But," says he, "if, in the present instance, the House were to limit the duration of them to twelve or eighteen months, at which times they should cease of course, and the King should recover his faculties but a fortnight after the

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restraints had ceased, what evil consequences might not ensue from that single fortnight of uncontrouled power!" The right honourable gentleman himself had, in the course of four years, granted forty-two peerages, although in that time he had not heard of any confederacy existing in that House against his measures.— There was, he said, in the breast of the great men of this country, such a love for the Crown, that there was no fear of any factious measures being suffered to prevail. The Peers were so distinguished for their love of the Crown, that there could be no apprehension of danger from the party whom he had sent into the House of Peers; but, if the Regent were to make Peers; if he, for instance, were so lavish of honours, as to grant forty-two, in imitation of the right honourable gentleman, then such a cabal and confederacy might be formed as would endanger the safety of the King. Love for the Crown was to be distinguished, if favour came from the Regent. The prerogative was harmless, while executed under the auspices of the right honourable gentleman. It would become dangerous, if put into the hands of the heir-apparent. Of precisely the same spirit was their argument for placing the household in the power of the Queen. In her Majesty's hands it would be helpless, weak, and impotent, if applied to any political purpose; it could not effect one measure



sure of the Regent's government; but, if placed in the hands of the Regent, it would inevitably prevent his Majesty's return to power! To all this train of paradoxes, there was one general resolution, they wished to insinuate and to propagate the base and scandalous idea, however artfully for the time they disguised their purposes, that a division might take place between the mother and the son. They affected to hold out tolerable intelligible language, that the son might combine against the mother; but, really, with the idea of leaving to the herd to imagine the converse of the proposition, and that, from history, it was as probable that the mother might combine against the son. He could not utter, in terms of sufficient indignation, his abhorrence of such a plan; and yet he was ready to confess, that the machination for accomplishing the purpose was artfully laid; he had confidence in the ardent love and noble feelings which animated the bosoms of the distinguished persons; and he hoped that no artifice, however base; no advice, however fulsome, would prevail in overthrowing within their breasts, the sentiments of what they mutually owed to the country. But the right honourable gentleman had remarked, that he was not to set up a factious opposition. He was one of those persons who had been so long accustomed to opposition, as to have a kindness for it. He was, by no means, unwilling to see an oppo-

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sition strong, watchful, and systematic; because he thought that there might be a sincere, as well as a systematic opposition. He conceived, however, that no opposition ought to be armed with such powers as the present scheme was calculated to give to those who should oppose the government of the Regent; for as the patronage and emoluments of office fairly belonged to the servants of the Crown, and to those who acted with them, so he thought it an incumbent duty on those who opposed Government, that by relinquishing all share in that patronage, and those emoluments, they gave a pledge to their country for the sincerity of the opposition. It had been argued, by an honourable gentleman (Mr. Pulteney) that without the household, the Regent's government would have power enough; that it would have power enough for good purposes, and it ought not to have more. If it should be found that the Regent had power enough, then, surely, it behoved the House to resolve, either on the recovery of the present King, or on the accession of his successor, to take from the Crown all these prerogatives which were withheld from the Regent. It should be a principle in all good government, to give no power which was not actually necessary to its purpose; or, in other words, necessary to the power of doing good. It was his earnest wish, that gentlemen, if they distrusted, would act

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constitutionally. If they preferred A. to B. the power of that House was yet, he trusted, sufficient to turn them out of office ; and especially, if the persons in office were of that description who bowed to the authority of Parliament. Instead of this manly and constitutional mode, the right honourable gentleman opposed men by crippling Government. To prevent that party from enjoying office, whom he thought ineligible, he attacked and violated the Constitution ; he destroyed the balance of the three estates, and endangered, for an unlimited time, the existing of every thing essential in the Government for the well being of the country. It was rather singular, also, that they did not perceive the positive weakness of their principal argument in another way. They objected to trust the household in the power of the Prince, because he might change the King's servants, and yet they put it in the power of the Queen, who might remove them at pleasure. Why might they not be changed by her Majesty, and her Council of Advice, as well as by the Regent ? The danger was precisely equal. With respect to the grounds of a speedy recovery, which the right honourable gentleman held out, and which fact formed the only topic of his argument, he did not mean to say one syllable. If it were true, as it certainly was, that it must prove a serious thing to change the Royal person, it was a more serious thing to change



change the nature of the Royal office. It might be for a short time ; it might be for a long time ; it was certainly for an indefinite time, that they were to change the Constitution of the country, and all this was to be done on the report of the physicians. Physicians had acknowledged, that the science of physic was the most uncertain of all the arts ; and that of all the branches of physic, this particular malady was the most uncertain. So then they were, for an unlimited time, to change the nature of the third estate, to impoverish and weaken the executive arms, to create a new estate in the country ; and all this, on the report of the most uncertain case which comes within the view of the most uncertain of all sciences.

He had observed, that to change the nature of the Kingly Office, was a more serious thing than to change the person of the King. The constitution provided only for the Crown. The King, according to the Constitution, was nothing ; the King might die ; the King might be imbecile ; the constitution, careful only of the crown, was careless as to the precise ability of the King ; it made the Kingly Office hereditary, from the consideration that the crown being permanently and continually the same, full and authoritative, was less solicitous as to the person who was to wear the crown, since it was guarded, guided, and restrained by positive laws.

laws. To entrench, therefore, on the crown, was a truly serious point ; its prerogatives were to be put into the custody of the two Houses of Parliament, and they were proceeding to impair the crown for the sake of the King. If it should be said that the two Houses of Parliament would, no doubt, restore the prerogatives now taken away, he would ask them how they could answer for their successors ? An Honourable Gentleman (Mr. Pulteney) had contended, that there was no situation in the present state of Europe which would justify the necessity of a strong government. This evidently alluded to the present deranged condition of France, of which the Honourable Member had lately been a spectator ; and if the Honourable Gentleman meant that the low circumstances of France ought to induce us not to assail her when helpless, the argument had the generosity natural to the Honourable Member : but perhaps it was founded on that principle of reciprocity, which had lately prevailed with respect to that rival power, that because she was lowered and embarrassed, we must lower ourselves to her standard ; that this was to be done on motives of reciprocal affection, for the purpose of preserving the good understanding which now subsisted between us undiminished : degrading and sunk to the condition in which France perhaps was at this moment, it would be thought an eligible mode of preserving her friendship,  
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and preventing giving alarm to the rest of Europe. Unless for these reasons, he saw nothing in the present state of Europe to induce us to suffer, much less voluntarily to embrace, a weak government. The Right Honourable Gentleman (Mr. Pitt) had not explained to the Committee two very essential points. If this household was to be established in the custody of the Queen, when was the provision, which he spoke of as being necessary for the state of the Regent, to be made, and what was to be the extent of it? This ought to have been mentioned. In his mind, the civil list would prove amply sufficient both for the provision to the Queen in her care of the King's person, and also for the state of the Regent, if this ridiculous and absurd scheme was not pursued. Upon this occasion Mr. Fox said, it may perhaps be a matter of delicacy to state the opinion of his Royal Highness; but he knew it to be the sentiments of the Prince of Wales, that it would be highly irksome to him, in the present melancholy and calamitous situation of the country, to add any new burthen for the purpose of increasing the state and dignity of his own situation. He added, that perhaps this was not perfectly regular for him to state; but as he knew it to be the sentiment of his Royal Highness, and did not consider the observation as improper, he had mentioned it to the Committee. The other point upon which he wished

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for information, was the ideas of the Right Honourable Gentleman whether these restrictions were to have a limited duration, and what he should think the proper time for their conclusion. Mr. Fox concluded with expressing his certainty, that when the Public came to view the whole of this scheme, they would see it was calculated to confer a favour inconsistent with the good government of the country.

Mr. *Drake* said, he hoped to see the time when these two great characters (Mr. Pitt and Mr. Fox) should no longer be acting as political adversaries, but co-operating in measures calculated for the general good. With regard to retrenching of the Royal Household, Mr. Drake said, he could not but think, from the situation of his Majesty, that he could not want the higher household servants of the Crown about him. An Honourable Friend of his had moved an amendment which he should have offered had it not been proposed, and that was to simplify the question; as it stood, it was far too complicated: he was glad, therefore, that it had been moved to divide it; he did not, however, like the Minister's adherence to the proposition in the complex and entangled form in which it had been originally moved, and he declared, that if he had not a large share of his confidence, he should have entertained a great deal of suspicion on that account.

*Mr.*

*Mr. Chancellor Pitt* observed, that he must still contend, in spite of some late ingenious, but not convincing, arguments, that it would not be necessary for him to prolong the debate by any farther reasoning in support of the motion. The Right Honourable Gentleman had been pleased to say, that he could not discover either argument or talent in any of those who had spoken in favour of the question; he happened to differ from the Right Honourable Gentleman, and was persuaded he had heard a great deal of both from several gentlemen, but most especially as much of each as could be advanced and displayed in a small compass, from an Honourable Friend of his who had lately sat down. He said he would not enter into argument again, but proceed to answer two points which had been put to him interrogatively. The first of these was a question when the restriction would be taken off the Regent? With regard to the precise time, there was great difficulty and inconvenience in fixing it. If, contrary to his sanguine expectation and belief, the King's recovery should, after some time, be protracted, and his Majesty's physicians should pronounce that it was not likely to take place soon, in that case, he should be of opinion that they must be taken off altogether. With respect to the restriction of making Peerages, when the time he had described should come, that restriction ought, in his mind, to be given up.

At the period he had described, the establishment of the Household might be revised and new modelled. Some provision also must be made respecting the real property of the Crown; and, as to the places for life, patents, and others, he should then think it expedient to give the Regent a power to grant such as had always been places for life. Another question had been asked him, to which he was extremely desirous of giving an answer, and that was, what the sort of provision was, which was to be made for the support of the dignity of the Regent, and when it was to take place? With respect to the time when, he should think, that immediately after the passing of the bill appointing his Royal Highness the Prince of Wales Regent, the next thing that followed ought to be the providing a proper retinue to support the Prince of Wales's rank of Regent with becoming dignity and splendor. As to the question of what this provision was to consist in, that was not, in his own mind, fully determined. With regard to his Royal Highness's declaration, as insinuated by the Right Honourable Gentleman, that he would lament any addition being made on his account to the burthen of the public, every man, Mr. Pitt said, must applaud the magnanimity and liberality of the sentiment; a sentiment which his Royal Highness had inherited, he had no doubt, from the liberality and magnanimity of his Princely Father; but though  
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he was peculiarly well aware what heavy burthens the people sustained, and since he had the honor of being in his Majesty's service had felt the painful task of being obliged to add considerably to those burthens, in order to meet the exigencies of the country, and endeavour to retrieve its lost commerce and sinking credit, (an endeavour which he had the happiness of seeing crowned with the most ample success, the good sense and firmness of the people inducing them cheerfully to submit to burthens of which necessity demanded the imposition) yet, notwithstanding these circumstances, nothing should deter him from coming forward and proposing a new establishment suitable to the rank, the character, and the dignity of the Regent: nor could he think of taking the sum necessary to provide for this establishment out of the civil list, which was the property of his Majesty; but he would fairly appeal to the public, by whom he had been so highly favoured, not doubting but that they who had so cheerfully and successfully contributed so much, and seen their credit and their commerce restored and raised, in consequence, to a most flourishing state, would with equal cheerfulness contribute, in order to provide for so unavoidable and so singular an exigency. In short, whether in or out of office, he should be ready to stand forward on such an occasion, and

place the expence where, in his mind, it ought to fall,—upon the public purse of the country.

Mr. *Sheridan* observed, that the Right Honourable Gentleman, on the first opening of his plan on a former day, had omitted to state even that there was to be a council, till the resolution came to be read, and then he had started up, and put his council, like a postscript to a letter, or a matter of trifling consequence; taking care to tell them no more, than it was to be a Council of Advice, not a Council of Controul. But the nature and constitution of the council, he said, ought to be explained, and the Committee ought to be told of whom it was to consist, before they were called upon to vote it.

Mr. *Pitt* answered, that with regard to the council, he thanked the honourable gentleman for having given him an opportunity of unfolding its nature and constitution, which he should have been sorry to have left unexplained, though it really had escaped his recollection. Mr. Pitt then stated, that the council was to be solely a Council of Advice, and in no sort a Council of Controul. It was to include in it all the great officers of His Majesty's Household, with some of the right reverend Prelates, to give it the gravity and solemnity due to its importance.

At length the Committee divided on the question, that the words in the middle of the question stand part of the motion.

Ayes 229; Noes 165.—Majority 64.

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Lord *North* then moved, "That the words "for a limited time," be added to the motion;" upon which the House divided,

Ayes, 164 ; Noes, 220.

Mr. *Pulteney* moved, "To limit the duration "of the Regency Bill to one year." On a suggestion from Mr. Pitt, that the proper time for discussing such a question, would be when the bill was actually brought in, the motion was withdrawn.

Mr. *Rolle* now observed, that he had given his vote for the appointment of the Prince of Wales to the Regency, under a conviction derived from an assurance communicated by a right honourable gentleman (Mr. Fox) last year, that His Royal Highness was not married. His constituents, however, had directed him to solicit fresh information on the subject. He therefore begged leave to appeal once more to the right honourable gentleman.

Sir *Francis Basset* observed, that it was a most indecent practice to agitate questions of this sort, where the very persons who proposed them were obliged to ask for information on which to ground them. If the honourable gentleman knew any thing on the subject, let him bring forward a motion founded on that knowledge. If he did not, it was at once informal and indecent to throw out insinuations, which were so far from being founded in fact, that the author of them was



compelled to have recourse to other members of the House, to try if he could not obtain that information, without which, he ought not to have stirred a single step in the business.

Mr. *Rolle* appealed to the Chair, whether he was disorderly, repeating his former words. He added, that having heard from a right honourable gentleman (Mr. Fox) on a former occasion, an explicit disavowal of any such marriage, though he had since heard and read that the disavowal was not warranted, he nevertheless so far trusted to the right honourable gentleman's declaration, as to agree to make the Prince Regent. He meant, however, when the bill was brought in, to move several clauses upon that point, which no threats should induce him to decline producing.

TUESDAY, *January 20.*

The Report of the resolutions relative to the Regency was, this day, by a deputation of the Commons, carried up to the Lords. After which the House adjourned to Monday next.

[It is here necessary to premise, that the intervening space between the 20th and 26th, was wholly occupied by the Lords, in debating on the resolutions passed by the Commons; but as the relation in this place of what passed in the Upper House on this subject, would intersect our narrative of the proceedings of the Lower House, we have judged it requisite, in order to avoid this difficulty, to relate every thing that occurred in the House of Commons, in the first instance; and then recurring to the time when the resolutions were carried up to the House of Peers, proceed, in a regular and connected manner, with our relation.]

MONDAY, *January 26.*

Two Masters in Chancery informed the Commons, that their Lordships desired a present conference in the Painted Chamber, on the subject of their former one ; which, after some observations from Mr. Burke, was agreed to, and to be conducted by the Members who managed the last. The Committee repaired immediately to the Painted Chamber.

When they returned from this conference, the Marquis of *Worcester* informed the Commons, their Lordships had agreed to their resolutions without any amendment.

Mr. *Pitt* next informed the House, that since these resolutions had been agreed to by both Houses of Parliament, he should to-morrow move that an address be presented to His Royal Highness the Prince of Wales, in order to know regularly and authentically whether his Royal Highness would accept of the Regency with the limitations that had been agreed to by Parliament. He thought it his duty to give notice now, that he should make this motion to-morrow, that Gentlemen might be prepared, as he conceived there would be some difference of opinion on this head.

After some animadversions by Mr. Grey, Mr. Burke, and Mr. Sheridan, on Mr. Pitt's conduct, the House adjourned.

TUESDAY, *January 27.*

After the Clerk had read the resolutions agreed to by both Houses of Parliament, with the restrictions and limitations,

Mr. *Pitt* informed the House, it was his opinion that these resolutions should be laid before his Royal Highness the Prince of Wales, before they were reduced to the form of an Act of Parliament, in order to ascertain, in a regular and authentic manner, that which they had every reason to suppose would take place—namely “whether his Royal Highness, for the benefit of this country, and from a regard to His Majesty, would condescend to undertake that weighty and important trust which the two Houses of Parliament wished to delegate to him.” Before yesterday he conceived there would be no opposition to such an address. As he could not imagine on what grounds any opposition could be made, he should make the motion of which he gave notice yesterday. and after that motion was disposed of, he should then make another, “That an Address should likewise be presented to the Queen, acquainting her with the last resolution which had been agreed to by both Houses of Parliament.”

The first motion was read by the Speaker, to wit, “that a Committee be appointed to lay  
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before his Royal Highness the Prince of Wales, those resolutions that had been agreed to by the House of Lords, and the House of Commons, for supplying the defect of the Royal Authority, subject to such limitations and restrictions, as the nature of the case seemed to require; and that his Royal Highness, from a regard to his Majesty, and for the welfare of the nation, would condescend to take upon him the government of this country, agreeable to these resolutions, as soon as an act of Parliament should have passed to carry them into effect."

Sir *Grey Cooper* contended that this Address was improper in point of time, as well as in point of matter. His Right Hon. Friend, on a former day, had moved for some papers, which perhaps could not be produced in a Parliamentary way; but, thank God, they were now in possession of the public, and would exhibit to the nation the character and exalted virtues of his Royal Highness, and that he knows, loves, and reveres the constitution. He did not wish to have the Regency but by the consent of Parliament. In his answer to the paper sent him by the Right Hon. Gentleman, he expresses some regret that he was distrusted. But notwithstanding that regret and surprise, he, in the most humble, proper, and, at the same time, in the most dignified manner, expresses his consent to accept of this office with whatever restrictions and limitations

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the wisdom of Parliament might judge proper to burden him. Since it is clear then that he will accept of it, why present an address?—why not proceed with the bill, and then address his Royal Highness, which would be more regular and constitutional.

Lord *Belgrave*, Mr. *Ryder*, and Colonel *Phipps* contended for the propriety of the communication being made in the present stage, lest the House, after going through all the stages, should have been losing their time, if the Prince should be disposed to refuse it. Under such a circumstance, other very different proceedings must be taken; but at all events, the address or communication could not be sent up before; for this reason, that the resolutions were not before agreed to.

Mr. *Grey* alleged, that through the whole course of the Minister's unaccountable conduct respecting this business, whether it proceeded from disunion of sentiment in those with whom he acted, or from whatever cause, there was an absence of system and method, which was as difficult to be explained, as the measures themselves were incapable of being defended. The mode, such as it was, had been described, by some, as plain, simple, and direct; and in this praise he was ready to concur, if any one could prove to him, that intricacy was plainness; that embarrassment was simplicity; and that direct-

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ness was to be traced in indecision and uncertainty. The order of a good plan was always to be found in its proportions and symmetry ; but the disorder of a bad one, was evident in the absence of both. Nor did he see any one end the motion now before the House would tend to, except the introduction of delay. If such an address to his Royal Highness was thought necessary, it should have been done previous to the discussion that the subject has undergone. He admitted that the correspondence which the Minister, very singularly called a *confidential* one, between him and the Prince of Wales, was not matter for the House to go upon ; and when they were about to lay before him their plan, they ought certainly to submit the *whole* of it, which could not be done till the different provisions should be made in the bill. If it was meant as matter of respect to the Prince, he could only wish that his Royal Highness had been treated with a little more of it in the course of these proceedings. He asked what would be the effect of the communication in the present stage ? The Prince by any answer he might give to these resolutions, could not be supposed to bind himself to the acceptance of the Regency under such limitations or alterations as it might undergo when in the shape of a bill ; nor could the Houses so bind themselves to the precise circumstances contained in these words,



words, as to preclude all discussion of them in the subsequent stages.

Here a conversation took place very foreign to the subject of debate, in consequence of Mr. *Brandling* having observed, with some degree of severity, on the conduct of the Sheriff of Northumberland, respecting the opposition which an address from that county to Mr. Pitt had met with. This having passed over,

Mr. *Sheridan* said, there were two things that he owned would incline him to agree to the address; one of those was, that it was understood the idea so hastily suggested on a preceding evening, of limiting the duration of the Regency, was abandoned, and the reducing the form of the constitution to a Republic, by making the election of a supreme governor annual, would no longer be insisted on. He declared, when this idea was first started, the Right Hon. Gentleman seemed to be ready to embrace it; he could not therefore but wonder at the sort of acquiescence manifested by the House at a proposition of so monstrous a nature, tending, in the first instance, to change the form of the constitution. The resolutions, he said, upon the face of them, appeared permanent, since they contained nothing which pointed out that they were calculated merely to subsist for a limited time, and to answer an emergency of only a temporary nature, although upon that single ground, urged by the Right Hon. Gentleman,

man, and other gentlemen, in debate, had the House been called upon to vote the resolutions. He enforced the necessity of accompanying the resolutions, when laid before his Royal Highness, with some intimation of this very material circumstance; and before he sat down, declared he would move an amendment to the motion, in order to add words to that effect.

Mr. Sheridan added a few other observations, and concluded with moving, by way of amendment, to add to the motion, “ that the restrictions were  
“ formed on the supposition that his Majesty’s  
“ illness was only temporary, and might be of  
“ no long duration.” These words, he said, he had taken out of the Right Hon. Gentleman’s letter to the Prince of Wales, which was already before the public, and therefore he did not imagine that any objection could be made to his amendment by the Right Hon. Gentleman, or any other member, but that the amendment would be agreed to, as a matter of course.

*The Chancellor of the Exchequer* said, it was true he had agreed that the resolutions were fit only for a temporary purpose; and though the House had agreed to them on that ground, the impossibility must be seen, of fixing beforehand the precise time those restrictions shall last. He complained of the Hon. Gentleman’s having selected a few words of his letter to the Prince, and not the whole of the idea; he conceived that the case  
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should be left open for the House in future to judge upon. By agreeing to the address, the House could not be considered pledged any further than to the honour and judgment on which they had acted; if they made any alteration, the Prince could not be considered as bound to submit to such alteration, by any acquiescence he might give to the present resolutions. In reply to what had been insinuated of his disrespect to the Prince, he begged to say that he had never thought it necessary to stoop to the notice of libels industriously circulated, and which had never been avowed; if any one could state a single instance of want of respect to the Prince, which he considered as inseparable from his duty to the Sovereign; if any man could mention in what manner he had ever behaved with disrespect or want of civility to the Prince, he desired that it might be openly and manfully avowed. He considered what he owed to the Constitution, to his Sovereign, and to the people of England, to be paramount to any respect due to the Prince, but not inconsistent with it. He had ever paid the same respect to his Royal Highness as he had done to any other of the Royal Family. He considered the true respect that was due to his Royal Highness, to be the endeavour to cultivate the interests of the country he will speedily be called to govern.

Mr.



Mr. Grey, in reply, said, he felt himself awkwardly situated, as he could not bring forward any charge of the nature in question, without appearing to speak from some authority; but as he had undoubtedly accused the Right Hon. Gentleman of having treated his Royal Highness the Prince of Wales with want of respect and of attention, he would proceed distinctly to make out what appeared to him sufficient grounds for that charge.—The Right Hon. Gentleman appeared to him to have behaved with great want of respect to the Prince of Wales, in the first instance, in the manner in which the Privy Council had been summoned to examine the physicians: If a proper respect had been paid to the Prince, he would have at least been consulted upon the business; but neither of those marks of respect were thought proper, and he had only an intimation of the business by a common summons, transmitted the night previous to its being proposed to Parliament.

*The Chancellor of the Exchequer* said he rose not to complain of the Honourable Gentleman's having made the charge, but sincerely to thank him, particularly for the explicit manner in which he had stated it, and by which means he had an opportunity of meeting it fairly, and he believed it would be satisfactory to that House and to the country. The first charge was a failure of respect in summoning the Prince to  
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the Privy Council; but that, if a charge, would rather fall on the Lord President, who issued the summonses. He wished not, however, to avoid participating in any measure of that Noble Lord's, with whom he was proud and happy to act. The first part of the charge was, that the Prince had not been consulted. To that he answered, that it was not conceived to be the duty of Ministers, in the execution of a great trust for the King, to consider themselves under the orders of the Prince of Wales, who had no authority. The latter part of the charge, of his Royal Highness's having had but a common summons, and no intimation of the business, was not true. He had a letter sent to him from the Lord President, and the summons was totally different to any other Privy Counsellor, except to those who were Princes of the Blood. The next charge was, not having laid the plan before his Royal Highness, previous to its being laid before that House. The House, he said, remembered the manner he had been called upon by a Right Honourable Gentleman (Mr. Fox) to state the general outlines. He stated them for the information of that Right Honourable Gentleman and the House, and they were communicated to his Royal Highness immediately on his command: the particulars were also communicated to his Royal Highness as soon as they were agreed to. The next and last charge was, having

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disrespectfully communicated such information to the Prince; some had asserted that it had been by verbal message; others that it had been by a livery servant. The truth, however, was, that such communications were sent by a messenger. If, in sending a messenger with them, he had failed in etiquette, it was not from intent, but from ignorance. He had before had the honour of communicating with his Royal Highness in a similar manner, and no disrespect was then entertained. In the course of his administration, he had frequent occasions of communicating with his Majesty, and he had never sent such communication in any other manner than he had sent to the Prince. He was persuaded that every Gentleman must be happy at the refutation of such calumnies; and he doubted not but the House, and the public at large, would judge of other reports as they will of the present, as false, calumniating, and ungrounded in every particular.

Mr. *Burke* contended, that the result of the Right Honourable Gentleman's general behaviour was disrespectful to the Prince. He insisted the Prince's not being consulted relative to the Privy Council was an insult, and that the deciding upon the question of Right, without asking whether such a claim was or was not made, was a most atrocious act of indecency.



Mr. *Sheridan*, for the purpose of making the amendment more conformable to the letter of the Right Honourable Gentleman (Mr. Pitt) to the Prince, moved, that the following words be added to the amendment he had before proposed—  
 “ But if, unfortunately, his Majesty’s recovery should be protracted to a more distant period than there is reason at present to imagine, it will be open, hereafter, to the wisdom of Parliament to reconsider these provisions.”

The question was, at length, put on the amendment, which being negatived, the original question for the address was carried.

Mr. *Pitt* then proposed a similar address to the Queen, founded on the fifth resolution, giving to her Majesty the care of the King’s person, and the government of the Household, which was agreed to.

MONDAY, *February 2.*

Mr. *Pitt* appeared at the Bar of the House, and read the answer of the Prince of Wales to the address of the House of Commons, relative to the Regency, as follows :—

“ *My Lords and Gentlemen,*

“ I thank you for communicating to me the resolutions agreed upon by the two Houses, and  
 I request

I request you to assure them, in my name, that my duty to the King, my father, and my anxious concern for the safety and interests of the people, which must be endangered by a longer suspension of the exercise of the royal authority, together with my respect for the united desires of the Houses, outweigh in my mind every other consideration, and will determine me to undertake the weighty and important trust proposed to me, in conformity to the resolutions now communicated to me. I am sensible of the difficulties that must attend the execution of this trust, in the peculiar circumstances in which it is committed to my charge, of which, as I am acquainted with no former example, my hopes of a successful administration cannot be founded on any past experience. But confiding that the limitations on the exercise of the royal authority, deemed necessary for the present, have been approved by the two Houses only as a temporary measure, founded on the loyal hope, in which I ardently participate, that his Majesty's disorder may not be of long duration, and trusting, in the mean while, that I shall receive a zealous and united support in the two Houses and in the nation, proportioned to the difficulty attending the discharge of my trust in this interval, I will entertain the pleasing hope, that my faithful endeavours to preserve the interests of the King, his Crown, and people, may be successful."

Lord *Courtoun* appeared also at the Bar of the House, and read the following answer of the Queen to the resolutions of both Houses:—

“ My duty and gratitude to the King, and the sense I must ever entertain of my past obligations to this country, will certainly engage my most earnest attention to the anxious and momentous trust intended to be reposed in me by Parliament. It will be a great consolation to me to receive the aid of a Council, of which I shall stand so much in need, in the discharge of a duty wherein the happiness of my future life is indeed deeply interested, but which a higher object, the happiness of a great, loyal, and affectionate people renders still more important.”

*A Message from the Lords* then informed the House, that their Lordships had appointed a Commission, in the absence of the Executive Power, to open the Parliament, which consisted of all the Great Officers of State, and Members of the Upper House in the present Administration.

Mr. *Pitt* said, the next step which it was the duty of the House to take, was to devise the means of gaining the Royal Assent to ratify these proceedings. Having first fully established, by the resolutions, that there existed no right whatever



ever to assume, in its present suspended state, the personal exercise of the Royal Authority—that the case was not provided for by law, nor had the constitution in any person lodged the right of ruling in the particular instance in question—Whatever was done must be considered as the act of the Lords and Commons, respecting the form in which the Royal Assent was to be given. That maxim of the law was still in full force, that the political capacity of the *King* was still as perfect as in the case of a demise, or the Crown falling upon the head of a minor.

The authority then, which the Two Houses of Parliament was to call into action, to sanction their proceedings, must be the Great Seal; the only legal and *Constitutional Organ* of our Government, for declaring the King's Authority, and which *sound* necessity pointed as being the proper remedy for the existing defect of the personal authority of the Sovereign. It was an instrument of such high origin, as not to be questioned in the Courts of Law, but was there held and considered by the Judges, as conclusive and incontestable evidence. If it were to happen that the Throne should be vacant, or that the Branches of the Royal Family should be extinct, by the happy mixture of our Government, it was so contrived, that this *Constitutional Organ*, the Great Seal, as in the case of the Revolution, could, by the authority of both Houses, be legally

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exercised;

exercised; by the decision of which, the right of appointing a Regent was acknowledged; and it now became a consequent incumbent duty of the Two Existing Branches of the Legislature, to create and establish *the Third*. This was neither the doctrine of legal Metaphysics, nor any monstrous fiction of Law: but it was that doctrine which *kept alive the name of the King*, and which was indispensably necessary to preserve the spirit of the Constitution. The Royal Assent might be obtained by a person assuming the Government of the Country as his right, or by an Address of Parliament, praying him to exercise the authority, or by a deputed power of both Houses. The last mode, which was intended to be adopted in the present case, was incontestably the best, and good in point of law. The authority for its ratification would run in the name of both Houses of Parliament. By preserving at the same time those indispensable forms which tend to shew the political capacity of the King is perfect, the House would strictly adhere to those principles, which guided our ancestors at the Revolution. On a subject which had been so repeatedly considered, it was not necessary further to enlarge; he therefore would move—  
 “ That the House do agree with the Lords, on the subject of the Commission under the Great Seal, for opening the Parliament.”

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The motion being seconded,

Mr. *Dempster* said, some further explanation was necessary, to inform the House of the nature of the Commission alluded to. He wished to know whether the same Commission was to open the Parliament and also give the Royal Assent?

Mr. *Pitt* replied, that in the year 1754, when George the Second visited Hanover, Lord Hardwicke was then Chancellor; there were two Commissions; the first opened the Parliament; and a second specific Commission was issued to exercise the Royal Assent, which mode of proceeding was, in the present instance, intended to be pursued.

Mr. *Dempster* expressed himself dissatisfied with the explanation; and remarked, that in the Reign of Henry the Sixth, when the Duke of Gloucester was Regent, there was but one commission issued for both purposes in question: What was therefore proposed, was going a step beyond that necessity which the nature of the case prescribed. Commission after Commission might be issued, and both Houses continue in conjunction to exercise the function of the Royal Prerogative.

*The Master of the Rolls* maintained, that the doctrine of the preceding Speaker tended directly to take away the Kingly Authority, and dethrone the Monarch, still existing: it went to authorise the Regent to exercise at once all the legislative



power of the Monarch, and which would have effectually precluded both Houses from limiting and restraining the Government of the Regency.

Lord *North* contended against the Resolution. The objection which he had principally to make against the Commission proposed to open the Parliament, and to give the Royal Assent, was, that it was wholly divested of that quality which made the Royal Assent valid, and of any authority. He could not conceive the force or value of any *Assent*, were there was no power of *Dissent* inherent or attached. This creature was to be raised up, merely to receive the mandates of the Two Houses of Parliament, not to execute the office of the Third Branch of the Constitution.—Every consideration seemed to be enveloped in that of the Great Seal, as if the *Great Seal* were a divine essence, superior to the Royal Power itself. No one, his Lordship declared, could have a greater respect than he had for that instrument, and for those who had it in their possession; but he could not consider an instrument a mere Tool of Government, as co-ordinate with Majesty. As the Resolutions had been brought forward, it seemed that the intention was to have two Commissions. At this rate they might go on, and continue for the whole sessions, nay, for several years, if his Majesty's illness should last so long, passing bills, by the sole authority of the Two Houses, under the  
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fiction of their having the assent of the Third Branch of the Legislature. It had been urged, as a justification of this perversion of law, that the Great Seal affixed, no matter how, to any act of the Two Houses, was so far equivalent to the Royal assent, as to be undeniable authority in every Court of Record. In any of the Courts of Law, he was ready to allow, that nothing could be averred against a record; but a plea might be entered against *the existence* of such record. The fixture of the Great Seal was necessary to an act of Parliament; but did it not also require the Royal signature? The commission at least for opening the Parliament, could not be valid without the Sign Manual; and in the present case, how was this to be obtained? Thus the record would be incomplete, and every act passed under that commission, might be invalidated, and over-ruled.

A Right Honourable and Learned Gentleman had gone so far as to say, that the step which it had been proposed to take on his side of the House, to address the Prince of Wales to assume the exercise of the Royal Authority, during his Majesty's illness, would not be merely a suspension of the Kingly Office, but would go the length of virtually *dethroning the King*. What then would their own commission do? Would it not, in the assumption of the Regal Power, by the commissioners to be nominated by Parliament,

ment, equally dethrone the King? His power would be suspended, and his functions delegated as much in the one case as in the other. What had they met for, and what had been the object of their deliberations? Was it not to appoint some substitute to supply the defect occasioned by the inability of the King? therefore, if the doctrine of the Learned Gentleman were true, they had met to *dethrone him*, and were now deliberating on the mode of doing it. He had applied this strong expression to the proposed transfer of the legislative part only of the Royal Authority to the Heir Apparent, for the settlement of the Government, without the introduction of any unconstitutional medium, and exactly as it was, in that extraordinary way, intended to settle it. But he appealed to the very Precedents which the Learned Gentleman had alluded to, and which he would find furnished an argument against himself. In the reign of Henry VI: and during the minority of that King, the Duke of Gloucester had been invested with the whole of the Sovereign Authority, both Legislative and Executive, with the assistance only of a Council. The same power was afterwards given to the Duke of York; yet it had not been so much as hinted, that the Minor King, then incapable to exercise the functions of a King, was by this temporary transfer of his Prerogative, despoiled of his Throne.



Lord *John Townshend* confessed himself at a loss to discover, if that perfection in the political capacity of the King existed, the reason for new-modelling the Executive Authority. There was no dissolution in the Government; the proceedings of the Courts of Judicature were not stopped; private property throughout the kingdom still remained protected; no apology therefore could be made for violating the principles of the Constitution. As the Great Seal was meant to be exercised, it could not legally be considered as a record, for it was deficient in what was essential to make it valid—the King's Signature. The plan proposed by Opposition for addressing the Prince to exercise the Regal Authority, would, he said, have avoided this complicated and dangerous system, in which the Minister had involved himself and the country.

*The Attorney-General* observed, that Lord *John Townshend* had, by his arguments, both described the nature, and corroborated the existence of the political capacity of the King, in saying that the proceedings of the Courts of Justice were not impeded by the present personal suspension of the King's Authority. They were still alive, and in full vigour, from the duty of Lord Chief Justice down to that of the petty office of a Constable—when, as at the Revolution, the Throne was vacant, or in the case, as it is called, *propter defectum sanguinis*, the Courts of Justice were

not open. During a Monarch's infancy, sickness, or dotage, his politic capacity is incapable either of suspension or diminution; but if there exist a personal incapacity in the Sovereign, by the earliest *black letter* authority it was confirmed, that the defect must be supplied by both Houses of Parliament. The authority of the Great Seal, as intended to be exercised, be the history of it what it might, was a record that could not be averred against. When once enrolled in Chancery, it was legally binding; nor was the act invalidated in the smallest degree, because the Royal Signature could not be obtained. It was in earlier reigns that the signature of the King used to be put to acts of Parliament, a ceremony which had long been discontinued. In passing letters patent, the Great Seal was used, and considered as complete and adequate authority without the King's signature. After making a variety of apposite legal allusions, he concluded by declaring himself an advocate for the Commission, as the only legal and constitutional mode of ratifying the proceedings of both Houses of Parliament.

Mr. *Burke*, after indulging himself for some time in a very inveterate strain of eloquence against Ministers, proceeded to a more serious strain of argument. He urged, that a real and substantial act of the two Houses should not be coupled or united with a supposed act of the Crown,

Crown, that was wholly informal. This fiction, by which the Royal functions were vested in the delegates of the Lords and Commons,—this usurpation of the Great Seal, he said, was nothing less than making war upon the Crown. It was robbing the Crown, in order that they might be enabled to pay it an useless compliment. The informality of the proceeding could not be justified by any good or wise ends that it was destined to attain. He had heard of order sprung out of chaos; but this was first creating chaos, for the purpose of establishing order afterwards. Mr. Burke, after several other weighty arguments, and many fanciful and ingenious allusions, apologized for any intemperance or warmth which he might have betrayed in the course of his speech; if he had been guilty of such indiscretion, he hoped that the Committee would impute it only to its real cause, his regard for the Constitution, and the unity of the Crown.

After some further debate, in which Mr. Windham, Sir John Scott, Mr. Sheridan, and Mr. Rolle, took a part, the question was put and carried without a division. The report was then brought up and agreed to; after which it was moved and resolved, that the concurrence of the House be communicated to the Peers in a conference to-morrow.

Previous to the motion of adjournment, a short debate arose concerning the form in which a new  
Speaker



Speaker should meet the Commissioners on the to-morrow, when it was agreed, on his own suggestion, that it should be done after the precedent at the Restoration and the Revolution, that is, *without any form at all.*

TUESDAY, February 3.

As soon as the Speaker had taken the chair, a message was sent to the Lords to require a conference, which being granted, the same managers who had been employed in the former conferences were appointed to manage this.

On their return, Mr. Ryder reported, that he had given to the Lord Privy Seal the resolutions of their Lordships, in which the Commons had concurred.

Soon after this, Sir Francis Molyneux appeared, and addressing the Speaker, said, that the Lords, empowered by the authority of his Majesty's commission, commanded the immediate attendance of that Honourable House at their Lordships bar.

This was immediately complied with; and on return of the Members, the Speaker related, that Earl Bathurst had, in a speech, informed them of his Majesty's illness, and read the commission for convening Parliament.

A bill

A bill was then brought in *pro formâ*, and read a first and second time. The different orders of the House were next recited; Committees of Religion, Privileges, Trade, &c. appointed, and all the other preliminary business settled in the manner usually adopted in the commencement of a session.

Mr. *Pitt* then said, that as they were now a Parliament formally assembled under the authority of the King's commission, it would be unnecessary for him, in the present stage of a subject already so fully discussed, to say more than simply moving for "leave to bring in a bill to provide for the care and protection of his Majesty's person, as also for the exercise of the royal authority during his Majesty's illness."

Which being granted, and a Committee appointed to prepare and bring in the bill, the House adjourned.

THURSDAY, *February 5.*

### REGENCY BILL.

Mr. *Perceys*, previous to the introduction of the Regency Bill, desired to know of some of the Gentlemen opposite him, in what light the House was to regard the Commissioners appointed by the late resolution? Was the Commission

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to be looked on as extinct, and the Commissioners as *functi officio*; or was it understood that they still retained the authority with which they had been invested, for any further purpose?

*The Attorney General* (Mr. Macdonald) replied, that in his judgment, the authority of the Commissioners was still in existence, and that their power was complete to proceed to any further step which the two Houses might deem necessary.

Mr. *Anstruther*, after defining very accurately the powers of the present Commission, agreed with the Attorney General that its powers were still existing.

*The Chancellor of the Exchequer* having brought up the bill “for appointing a Regent, and to supply the defect of the personal exercise of the Royal authority, during the continuance of his Majesty’s present indisposition,” moved for the second reading of the Bill to-morrow; which, after some conversation upon a clause, empowering the Queen’s Council of Advice “to notify to the President of the Council, or Secretary of State for the time being, their opinion of the King’s recovery, and directing that thereupon the Parliament should immediately be assembled by his Majesty’s proclamation, under his own sign manuel,” was carried without a division, and ordered to be printed.

FRIDAY,



FRIDAY, *February 6.*

The House being met, the Chancellor of the Exchequer rose, and moved the order of the day for the second reading of the bill “to provide for the care of his Majesty’s Royal Person, and for the administration of the Royal authority, during the continuance of his Majesty’s illness.”

On the Speaker’s putting the question, “that the Bill be now read a second time,”

Mr. *Burke* rose, and declared himself astonished that the Bill should be proposed to be read a second time, without the House having heard a syllable of its principle. He had, he said, often known the principles upon which a bill had been ordered to be brought in, either totally lost sight of, or so violently strained and departed from in the various clauses, that scarcely a single principle upon which the House had originally resolved to legislate, was to be found in it. It behoved the House, therefore, at all times, to watch great and important bills narrowly, and to see that they were not deceived and deluded, and that while they meant and had resolved to pass a bill for one purpose, they were not induced to pass one containing provisions to answer a very different end. Many Gentlemen, he said, as well as himself, had great doubts with respect to the validity of the commission, under the authority of which Parliament had opened; but admitting, for the

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present

present, that there had been exercised a competent power to make the two Houses a Parliament, and consequently enable them legally to pass the act upon which they were proceeding, they ought to see what the Bill was, before they went on with it; and therefore, though he meant not to debate the subject at large, he should take the liberty of calling the attention of the House, before they read the Bill a second time, to the extent of its provisions, and the extraordinary manner in which the resolutions that the two Houses of Parliament had come to, were now attempted to be made use of and carried into effect. Never surely, said he, was there a time when the people of England and that House were so seriously called on to see what they were doing, and to examine, with every possible degree of prudence and foresight, the serious and important consequences their present proceedings might lead to. His Majesty's incapacity to exercise the Royal Authority, had been established to the conviction of the two Houses, in a manner that left all possibility of doubt out of the question; indeed, if the examinations of his Majesty's physicians had not taken place, the affair would have been too clear to admit of dispute, from a great variety of circumstances not necessary to be detailed. Among other invectives against the Bill, he said the doctrine of divine right, which had been exploded in the House of Stuart, was now revived in favour  
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of another House. Though he trusted he honoured her Majesty as much as any other subject, he did not think she ought to have that patronage. She might be nominated to hold it, but he was confident the exercise of it would devolve into other hands. The bill meant not only to degrade the Prince of Wales, but the whole House of Brunswick, who were to be outlawed, excommunicated, and attainted, as having forfeited all claim to the confidence of the country.

Some gentlemen smiling at the extent of this doctrine, and the vehemency of emphasis with which it was delivered, Mr. Burke burst out into a most violent passion, and reprobated the conduct of the other side of the House, charging them with degrading the Royal Family, sowing the seeds of future distraction and disunion in that family, and with proceeding to act TREASONS, which the justice of their country would one day overtake them for, and bring them to trial.

*The Chancellor of the Exchequer* said, he rose to speak to order. When the Right Honourable Gentleman chose to indulge himself with a direct attack upon him in the stile of invective, in which he was accustomed to deliver himself in that House, he seldom thought it worth his while to interrupt the Right Honourable Gentleman, and call him to order, or indeed to make him any answer; because his speeches, from their



extraordinary stile, and the peculiar violent tone of warmth and of passion with which they were generally delivered, seldom failed to give that impression which those against whom they were directed wished them to give ; but when the acts of the House were called in question, and a bill avowedly founded on principles which the House had sanctioned by voting them, after much discussion and debate, in the form of distinct resolutions, were said to amount to the outlawing, excommunicating, and attainting the whole House of Brunswick, and the House was told distinctly and unequivocally, that they were proceeding to act TREASONS, for which, at a future day, it would be overtaken by the justice of their country, and brought to trial, he did hope that the House would interpose its authority ; and, when such a violent breach, not only of order, but of common decency, was committed, that it would oblige gentlemen to restrain their violence, and not, under the pretence of passion, suffer themselves to be betrayed into such irregular, disorderly, and unseemly conduct.

Mr. *Gamon* rose likewise, he declared, to speak to order ; but proceeding to mention, that the Right Honourable Gentleman had taken the liberty of alluding to an expression made in the other House of Parliament by a Noble Duke, to whom he had the honour of being related, he was interrupted by Mr. Speaker, who informed  
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the Honourable Gentleman, if he rose to object to any particular part of the Right Honourable Gentleman's speech, he should have interrupted him, and made his objection when the expression that he meant to call in question had fallen from him.

Mr. *Burke* rose again, and said, whenever he used any words that were disorderly, he presumed those who thought proper to call him to order would state what the disorderly words were, as well to convince the House that he had been disorderly, as to enable him to explain his meaning in a regular manner. With regard to the charge of passion, which the Right Honourable Gentleman had imputed to him, he confessed he had expressed himself with warmth, originating from a deep consideration of the great importance of the subject, and not from any censurable imbecility of temper; so far from it, it would have been censurable in him, or any man possessed of common feeling, to have restrained from that indication of warmth and passion that he had betrayed, when talking of a bill, from the provisions of which the whole House of Brunswick were excluded. When he saw, that, under pretence of providing for government, there was a provision made for tumult, disorder, and debility in that government, he felt as a man conscious of the fatal effects of such consequences, must feel, and spoke warmly and passionately

upon the subject; but that warmth and that passion arose from a due sense of the dreadful tendency of such a provision; and when ought he to speak of it, but when they were in the action, and in the practice of that very game of ambition of which he had complained, and to which he imputed all the serious and fatal consequences that he had stated?

By the provisions of this bill, the Regent could exercise no acts of benignity and munificence.—He could give no encouragement to the arts. The 60,000*l.* which was given out of the privy purse for these purposes, was not to be touched by the Prince. Every thing requisite to the splendour and dignity of a Prince had been taken from the Regent, in order to serve the ambitious views of one man, and to support faction against the government of the Regent.

The Prince, by this bill was reduced to a low subordinate character, and with every degree of responsibility. He entertained as high an idea of the character of the Queen as any of her subjects; but he by no means thought her the most proper person to be entrusted with the giving away of such an immense sum of money. The Queen must guess, she must devise, how the King would have disposed of this money, had he been well. Why was the Prince of Wales excluded from the privy purse of the King? Why was the Duke of York, the Dukes of Cumberland



land and Gloucester excluded? The whole Royal Family were treated by this bill as if they were outlawed, attainted, and excommunicated; and the Prince of Wales was put into the situation of a mere clerk. Mr. Burke contended this was a complete bill of exclusion. A few persons about the King, who, in the language of this bill, were called a Council, might make a King or not, at their pleasure. The two Houses had declared the King incapable of transacting public business;—but when he shall be capable of transacting business, will *not* depend on the two Houses.

When the King shall be fit to re-assume the personal exercise of the royal authority is not to depend on either House of Parliament. When is the King to be restored to the exercise of the royal authority?—When the Queen pleases.—Though no man revered more the exalted character of that great personage, yet he begged leave to say, that she might mistake. When the King is able to sit quietly at the head of the Privy Council, he is to be called again to the actual exercise of his authority. You may, said Mr. Burke, get a man to swear that a person is out of his senses; but you never can get a man to swear that a person is in his senses.

Neither the Prince of Wales nor the King's brothers were to see the King; but a Council are to determine the whole—Dr. Willis, or some

of his keepers. It was necessary to warn the House of what they were now doing. They had been led on, by imperceptible degrees, from one step to another. He was sure, if this business had been laid before the House all at once, no Gentleman would have agreed to it. They had been led on like Macbeth in the play, who says, *I have gone so far in blood, I may as well go on.* In another place, the Right Honourable Gentleman had been called a *Heaven-born Minister*—that was a Minister who had a divine right—and he should not be surprised if they soon saw a *Heaven-born Monarch*.

After a short reply from Mr. Gamon, to justify the expression of the Duke of Chandos, the question was put by the Speaker, that the bill should be read a second time; which being done, it was then ordered to be committed.

Adjourned till to-morrow.

SATURDAY, February 7.

The order being read for the House to resolve itself into a Committee on the Bill, “To provide for his Majesty’s person, and for the administration of the Royal Authority during his Majesty’s illness,” the Speaker left the Chair, and Mr. Watson took his seat at the Table.

Sir

Sir *Charles Gould* proposed to postpone the oath imposed on the Regent. This occasioned a long and warm debate.

Mr. Burke, the Chancellor of the Exchequer, Lord Maitland, Colonel Phipps, Sir Joseph Mawbey, Mr. Sheridan, and Mr. Burton, took part in it.

On the question being put, the oath was carried.

The business began with the postponement of the preamble, as usual : After which,

Mr. *Burke* objected to the words “ limitations and restrictions,” in the first clause. The objection was over-ruled.

#### UNIFORMITY CLAUSE.

As soon as the Chairman had read the following clause, “ And be it enacted by the authority aforesaid, that nothing in this act contained shall extend, or be construed to extend, to empower the said Regent in the name, and in the behalf of his Majesty, to give the Royal Assent to any bill, or bills in Parliament, for repealing, changing, or in any respect varying the order and course of succession to the Crown of this realm, as the same stands now established in the illustrious House of Hanover, by an Act passed in the 12th year of the reign of King William the Third, intituled, “ An Act for the further limitations of the  
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Crown, and better securing the rights and liberties of the subject ;” or to any Act for repealing or altering the act, made in the thirteenth year of the reign of King Charles the Second, intituled, “ An Act for the Uniformity of Public Prayers and Administrations of Sacraments, and other rites and ceremonies, and for establishing the form of making, ordaining, and consecrating Bishops, Priests, and Deacons, in the Church of England ;” or the Act of the 5th year of the reign of Queen Anne, made in Scotland, intituled, “ An Act for securing the Protestant Religion, and Presbyterian Church Government :”

Lord *North* rose, not, he said, to oppose this clause, which had been inserted in all Regency bills, but to observe that it was uniformly preserved, to shew that these statutes could not be repealed, without a preliminary discussion of the subject in Parliament, which must pass on a special bill to repeal this part of the bill then under consideration, before it could repeal the acts it recognized. His Lordship commended this additional difficulty thrown in the way of an alteration of the ritual of the Church of England, and declared it had his entire approbation.

Mr. *Beaufof* desired to understand fairly, what was the object and extent of the clause under consideration. If, as the noble Lord said, it was not binding upon the Regent, so as to prevent

vent him from at any time giving his assent to a bill that might hereafter be brought in, for the purpose of taking off the disqualifications imposed at present on Protestant Dissenters, and was merely meant as a fresh proof of the sanctions of the Statutes in support of the uniformity of the Church of England ritual, he should have no objection; but if, on the other hand, it was understood to be binding on the Regent, and that under the idea of the sanctity of the law, as it stood, the Regent was precluded from giving his assent to any bill to relieve Protestant Dissenters from being, in consequence of their religious opinions, subject to disqualifications for civil offices, he should have many and strong arguments to urge against it, because he thought it extremely improper to do that collaterally, which, if done at all, ought to be done directly and distinctly.

*The Attorney General* stated, that the clause did not go to the length that his Hon. Friend seemed to entertain an apprehension of: it only threw this difficulty in the way of a repeal of the Test Act,—it obliged Parliament, before it proceeded to the repeal of that act, to consider the subject thoroughly, and to have the present bill before its eyes. It could, Mr. Attorney said, have no other meaning than to make it imperative on Parliament, to take all the statutes that referred to the subject into their consideration, whenever  
Parliament

Parliament thought proper to alter the Act of Uniformity, but it regarded the uniformity of the Church of England only.

*The Chancellor of the Exchequer* corroborated what the Attorney General had said, and explained the distinct view of the Uniformity Act, which related to the ritual of the Church of England, and the ceremony of prayer, sacraments, &c. of that church merely. The Chancellor of the Exchequer said, nothing contained in the clause in question, would either directly or collaterally preclude the Protestant Dissenters from appealing to Parliament again, whenever they thought proper. When that respectable description of persons last applied for relief from the Test Act, he had stated his sentiments on the subject fully and fairly; and although he had not since heard anything that had weighed sufficiently with his mind, to make him alter his opinion, he agreed with his Hon. Friend who spoke last but one, that whatever was done respecting so important a matter, ought not to be done collaterally. He was willing that the question should be discussed fairly, and discussed upon its own merits, independent of any other circumstance: With regard to the clause itself, he took an opportunity of informing the Committee, that the particular one in question, as well as several others in the bill, were inserted as mere matters of form; not as allusive to the present times, or  
any



any peculiar circumstance of the present times, but because they stood in other Regency bills, and were provisions which our ancestors thought it necessary to make, by way, perhaps, of shewing a degree of superfluous caution on a subject, on which it was their duty to provide every guard and security that human prudence could invent.—The clause was read and agreed to.

### MARRIAGE CLAUSE.

When the Committee came to the following clause:

“ Provided also, and be it enacted by the authority aforesaid, that if his Royal Highness George Augustus Frederic Prince of Wales, should not continue to be resident in Great Britain, or shall at any time marry a Papist, then, and in every such case, all the powers and authorities vested in his said Royal Highness, by virtue of this act, shall cease and determine.”

Mr. *Rolle* proposed an amendment to the clause then under consideration: he imagined no friend to the Revolution, the Protestant succession, and the House of Brunswick, would disagree with him, in wishing that the clause in question, should be so worded as to guard against the possibility of danger in the important objects to which it referred. Could he have brought himself to believe, that, as the clause stood at present, it was sufficiently

sufficiently strong, he would not have proposed an amendment; or if any person would step forward and confirm the declaration, solemnly made by a Right Hon. Gentleman (Mr. Fox) not then present in that House, two years ago, he should be satisfied. That declaration had satisfied at the time, nor did he mean to impeach its credibility, but as doubts and scruples had nevertheless been still entertained without doors, he wished those doubts and scruples to be effectually silenced, and that the question might be set at rest for ever. He might, he was aware, be a marked man hereafter for his conduct on this occasion, but that was not a consideration with him, when weighed against the sense of his duty. He said, he meant no disrespect to any person, but spoke merely out of regard for the good of his country. With respect to the words of his amendment, Mr. Rolle declared he was not bigotted to them, any other words that might be proposed, that would answer the same purpose, would equally please him. Mr. Rolle then moved to insert, after the words, “or shall at any time marry a Papist,” these words, or “shall at any time be proved to be married, in fact or in law, to a Papist.”

As soon as Mr. Watson, the Chairman, had read the amendment,

Lord *Belgrave* rose, and declared himself extremely sorry to differ from his Hon. Friend,

whose great weight and respectability justly intitled him to every degree of attention and consideration in that House: he understood that at a former time, before he had the honour of a seat in that House, when it was proposed that an arrangement of the affairs of his Royal Highness the Prince of Wales should be made, his Hon. Friend had risen and declared, that he thought he could not act consistently with duty to his constituents and his country, if before he voted for the arrangement proposed, he did not desire to know whether there was any truth in a rumour of a very extraordinary kind; and with this view his Hon. Friend, he understood, had put the question, whether there was any foundation for the report of an indissoluble union having taken place, with a very amiable and respectable character, whose religious opinions differed from those of the established church of this country. A Right Hon. Gentleman, whose absence that day, his Lordship said, he most sincerely lamented, and especially the cause of it, had on the occasion referred to, risen immediately and said, in the most decisive manner, that there was no truth whatever in the reports in question; that they were libellous, and neither had nor could have any foundation. Considering the weight due to the assertion of any individual member of that House, and particularly to the assertion of a gentleman of the character and

authority



authority which belonged to the Right Hon. Gentleman in question, he could not think that there existed any the smallest occasion to discuss the validity of such a rumour over again, and therefore he deprecated any such discussion, as not likely to answer any good purpose, and trusted that his Hon. Friend would withdraw his amendment.

*The Chancellor of the Exchequer* agreed with the noble Lord, that the present was a question that did not require any length of debate, though he gave his Hon. Friend behind him, full credit for the purity of his motives, and though he believed there could hardly be found a man in the House, who did not feel that his Hon. Friend had, on the present occasion, acted upon the most laudable principles, yet he must differ from him entirely as to the necessity of any amendment to the clause in question. That clause had been one of those to which he had alluded, when speaking of the uniformity clause, he had said, several of the clauses of the bill were mere clauses of form, and put in as a matter of course, without any special reference to the subject of the bill. The fact was, they found them in former Regency bills, and thought they ought not to shew a less cautious regard to the safety of the constitution than their predecessors had deemed necessary. With regard to what his noble Friend had alluded to, he said he wished not to advert to any thing

thing which had formerly passed in that House, because that could have nothing to do with the present bill, and he did not wish to go a step farther than the necessity of the case required.

*Sir William Dolben* declared it to be his opinion, that his Honourable Friend had been actuated by the purest motives in proposing his amendment.—He was perfectly convinced, that he had thought the amendment necessary, or he would not have moved it; he believed the Honourable Gentleman had conceived, that the words he proposed to insert were necessary, merely to quiet and set at rest the doubts that had been entertained, not by the vulgar and the mean, but by great lawyers, and many learned men. Such doubts ought to be done away; but he did not wish that the amendment should be acceded to, if any learned gentleman would rise and say, that the clause, as it stood, was sufficiently strong to guard against evasion, and secure the Church and State from any difficulties and dangers that might be brought on it, by such a circumstance as that taking place; to guard against which, his Honourable Friend had proposed his amendment.

*The Attorney-General* said, it was difficult to answer the question of the Honourable Baronet directly and satisfactorily; because let acts of Parliament be drawn up in ever so strong a manner, and with all the precautions that human

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prudence,

prudence, foresight, and ingenuity could devise, it was impossible to say means might not be found to evade them; but the security given by the present bill, was the same as had been given in former times, and it had been deemed sufficient by our ancestors.

Mr. *Welbore Ellis* said, he really did not understand what the Honourable Gentleman meant by a marriage in fact, or in law; for he seemed to have forgot that there existed an act of Parliament, which expressly declared, that his Royal Highness could not contract a marriage with any person, without his Majesty's consent, signified under his sign manual; that act of Parliament was a full and sufficient answer to every thing that had been, or could be said on the subject.

Mr. Ellis desired, that the 12th of George the Third might be read.

Mr. Hatfield accordingly read that clause of the Royal Marriage Act which provides, that previous to the marriage of the descendants of George the Second taking place lawfully, his Majesty's consent to such marriage must be first obtained, and signified under his sign manual; which consent must have the sanction of the Great Seal; and that all marriages, contracted without the Royal consent being so formally signified, were declared to be null and void, and of no effect whatever.

Mr.



Mr. *Ellis* then repeated, that the act of Parliament ought to be the only answer given, whenever a doubt was started, whether the Prince of Wales was married in fact, or in law.

Mr. *Rolle* desired, that the preamble to the statute might be read; which having been done, Mr. *Rolle* said, he could not pretend to pronounce upon it; but he had heard it to be the opinion of some of the first lawyers of this country, that nothing contained in the act of Parliament just referred to, altered or affected the clause in the act of William and Mary, which enacted and declared, that any Heir to the Crown, that married a papist, forfeited his right to the Crown. Mr. *Rolle* said, he did not wish to press any thing upon the House that was disagreeable to them, and therefore he would not divide the Committee; he was conscious of having done his duty by moving the amendment.

Just as the question was about to be put, Lord *North* rose, and said, in answer to those Gentlemen who talked of danger arising to Church and State, by perusing the act that had been just read, it would appear that no marriage could be contracted of the kind, respecting which they appeared to have such wonderful apprehensions, and therefore no danger could rise to Church and State, in the manner apprehended. It had, of late, his Lordship observed, been the conduct

of the Two Houses of Parliament to assume the power of making laws ; as, therefore, the proceeding to legislate, by two Branches of the Legislature, might be questioned, perhaps some gentleman might be disposed to challenge the validity of an act of Parliament, passed legally and constitutionally by the Three Branches of the Legislature ; and thence, perhaps, the question of the Honourable Gentleman who spoke last. In answer to all such, he would only say, that if it were a question, whether an act of Parliament, regularly passed under all the due forms, with the joint concurrence of the King, Lords, and Commons, had the force of law, and that question could not exist a single moment, without supposing, that all the bonds of the politic society which formed our Constitution, were dissolved, and that we were reduced to a state of nature. The act was in full force, and so it would remain, unless regularly repealed by some subsequent statute. With regard to the Honourable Gentleman's motives for introducing a discussion that could have no effect, but only tended to make the acts of the Legislature doubtful, and to raise idle and mischievous alarms throughout the country, he would not take upon him to pronounce what those motives were ; they might be good ; they might be bad ; certain he was, be the motives one or the other, the agitation of questions of the sort which the Honourable

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able Gentleman had started, could answer no wholesome purpose. The Honourable Gentleman, however, had declared, he would withdraw his motion without dividing the House.—He thought him perfectly wise in so resolving; because, if he had been rash enough to divide the Committee, he did not believe there would have been a single person to have divided with him. The Honourable Gentleman, therefore, must have given over all thoughts of having tellers. His Lordship pushed this raillery to some extent, and repeated his argument in respect to the validity of the Royal Marriage Act.

Mr. *Rolle* and Mr. *Pitt* rose together, but the latter persisted in keeping on his legs, and obtained a hearing. He began with hoping his Honourable Friend would pardon him, if he said a very few words; but the manner in which the noble Lord had chosen to deliver himself was so extraordinary, that he could not help expressing his surprise, that when the question had taken the turn that every friend to that union and quiet which the noble Lord had contended for, and which every Gentleman must have anxiously wished it should take, he should have thought it either necessary or proper to endeavour to create a division of sentiment, which it seemed to be the wish of the rest of the Committee to avoid. The noble Lord



had expressed himself in so taunting a manner to his Honourable Friend, that he seemed determined, if it were possible, to risque the danger of effecting an appearance of disunion, and of provoking his Honourable Friend to insist on that division, which he had handsomely declared he was willing to decline. The noble Lord, with a degree of contemptuous and insulting raillery, had said, that his Honourable Friend's motives might be good; he, therefore, seemed to doubt them. The noble Lord had as little right to doubt the motives of his Honourable Friend, as he had to doubt the motives of any man in the House. He had thought proper to treat the subject with a degree of levity and of ridicule by no means suitable to its gravity and importance; and so hostile was his temper, that he could not agree with them in attempting to avoid a disagreeable discussion, which, for a variety of reasons, had better not have been gone into. But luckily the hostility of the noble Lord's temper was so harmless, that it could not rouse them to a vigorous defence; nothing could induce them to depart from the line they had taken, and to which they were determined to adhere. He could not, he declared, go into the discussion any more than he had done before; it was sufficient for him to say, that he took the whole of the case, together with the various laws

laws that had passed, and all the circumstances of the declaration formerly made in the House, and putting these into the scale, they were enough to make him of opinion, that there was no sufficient reason for the Committee to think the clause put into former Regency bills, by their ancestors, was not a sufficient security against every danger that could reasonably be apprehended.

Lord *North* said, he had not disputed the Honourable Gentleman's motives; he had only said, the agitations of the questions started by him might do mischief, and could not be attended with any good consequences. He thought so still. The Right Honourable Gentleman had said, he wanted to provoke the House to a division. His Lordship declared he wished for no such thing. If there was a division, he probably should divide with him, though he seldom had that honour; and as the Right Honourable Gentleman generally divided according to the ancient maxim, *divide et impera*, he should not only divide with him, but obtain the object he divided for.

Mr. *Rolle* said, in bringing forward the discussion, he only meant to guard the Protestant religion in this country from danger; that he was conscious of having done his duty, and so far was he, when satisfied in his conscience

that he was right, from being afraid of persevering and maintaining a point which he had once started, that he would persist, if he stood single, and all the House was against him. On the present occasion it mattered not to him who liked, or who disapproved of what he did; he would not withdraw his motion, though he wished not to divide the Committee.

RESTRICTION *respecting the* CREATION of  
PEERAGES.

As soon as the clause on this topic had been read,

Sir *James Johnstone* rose and said, he could not agree to this clause, because he considered it as shutting the door of the House of Lords against the Commons of Great-Britain. Sir James thought the restriction ought to be, in some sort or other, qualified. If the Regent were allowed to make but one Peer a year, he should be satisfied; but he could not agree that the other House should obtain an undue weight in the scale of the Constitution, and that the heads of wealthy and respectable families, who had seats in that House, should be debarred from any chance of having the honours of the Peerage conferred on them.

Mr. *Joliffe* said, if the Ministers of the King were censurable for ill advice, so were the Ministers



sters of the Regent ; and, if the Government was intended to be well administered, it was as necessary that this power should be in the hands of one as of the other.

The House of Peers were as subject to a combination during a Regency, as at any other period. There could, therefore, be no reason assigned for this limitation ; the only excuse was, that it was a temporary expedient during the incapacity of the King. But why were the Peers to have a positive ascendancy over the other Branches of the Legislature, during the interval ? For no avowed reason, but in reality to give to the Right Honourable Gentleman that influence and power, at which he had been long aiming.—Another indisputable objection was, that no period was fixed when this limitation should cease : So that, if his Majesty lived for any period, however long, and his malady continued, the Peers might, in defiance of the other Branches of the Legislature, shut their doors, and govern the country in any manner they thought proper. He, therefore, moved to limit this restraint for the term of one year.

Lord *North* said, this restriction, he understood, like all the others contained in the bill, was grounded on the probability of his Majesty's recovery. In debating the resolutions, it had been admitted, that, if the period antecedent to

his Majesty's recovery should unfortunately prove a long one, this restriction respecting the power of making Peerages, would be an improper one. It was exceedingly material, therefore, to look to dates. The first of February, which was the time stated in the amendment, was almost a year from that day. It was two months since they had first examined his Majesty's physicians, and his Majesty had been ill almost as long before; the period prescribed by the amendment would be full fifteen months from the commencement of his Majesty's illness, as laid before the Privy-Council. He appealed, therefore, to the serious consideration of the Committee, whether this restriction did not tend to make the House of Peers form too great a balance in the Constitution, to overweigh the Lower House, and destroy the equipoise which the Constitution had wisely given to the Three Branches of the Legislature. His Lordship repeated his former argument, that, if the clause passed without limitation, it would tempt the House of Lords to retain the power it gave them, and to refuse to part with it, when circumstances might hereafter render it advisable to take off the restriction. By limiting the duration of the restriction to the first of February, he contended, that the House would reserve its own right to exercise its authority: whereas, if they passed the restriction without any limitation, they would deprive themselves of the power of exercising

exercising their own discretion, and lay the House of Commons at the mercy of the House of Lords.

Mr. *Pitt* declared he objected to the amendment on the same ground on which he objected when the resolution had been under discussion in the committee on the state of the nation. The noble Lord had urged the same reasons against it which he had then advanced, and which had then been answered, and therefore he should not repeat his argument over again. With regard to the amendment, he thought one year too short a time for a limitation, if a limitation of any particular restriction was deemed necessary. Mr. *Pitt* agreed with the Honourable Gentleman who spoke last, that it was perfectly fair for those Gentlemen who had deemed some limitation necessary, to object to the amendment as proposing a limitation of too short a time.

Mr. *Burke* said, he desired, in the first place, to be shewn when in any Regency Bill, preceding the present, there had been a limitation of peerages? He contended that the present limitation must be proposed on a suspicion that the Prince would abuse his trust, or that his Royal Highness's friends were men to be suspected, or from the affected motive that the King would be hurt if, upon his recovery, he found a change of tables, chairs, and stools about his person; for it was not less absurd to suppose

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one thing than the other. Mr. Burke, in order to exemplify his argument that the King had, at various times, suffered different men to increase the peerage, ran through a list of the various administrations of late years. He first mentioned Lord Rockingham, whose power, he said, had been as large as his heart, and yet, when he possessed it a second time, he used it with mildness. In this part of his speech he suffered his natural warmth to hurry him into a violent invective against the supporters of the Bill, and imputed their insisting on such a restriction as that under consideration, to the blackness of their hearts, and the nature of their rooted malignity. He charged every man who should vote for the restrictions fully and explicitly with the worst motives, because he could not suppose they would vote without. With regard to the probable prodigal making of Peers, Mr. Burke said, it was a slander; the conjecture could not be formed from the Prince, because those who ascribed it did not know him;—it could not be from Opposition, because their power had before been exerted without abuse: the Duke of Portland, for instance, had often served his Majesty; first as Lord Chamberlain, which place he filled with high honour; then as Lord Lieutenant of Ireland; and lastly, as First Lord of the Treasury, and in each capacity the Noble Duke had acted to the satisfaction of his Sovereign. Would it  
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be contended, that his Majesty could be pleased only by one person? Let it be remembered how many and how different the sort of men were, that he had at different times favoured. The Earl of Shelburne, who was at one time generally supposed to be disliked by the King, was at a particular period favoured. The Right Honourable Gentleman also, who was once the last person likely to be in favour at Court, had since been a favourite, and had well repaid that favouritism. Why then was it to be supposed, that persons who had been once in his Majesty's favour might not be so again? There never had been so many peerages made, Mr. Burke said, as during the present administration. He put it to their conscience, when they considered what they were doing, whether they were acting justly, acting as they did? declaring that their conduct would only vex him at the moment, as any other inanimate thing might that came in his way, without seriously disturbing his judgment, or affecting his mind.

Mr. *Thistlethwaite* said, as he had not delivered his sentiments before, he now took the opportunity of declaring, that he highly applauded the conduct of the Right Honourable Gentleman, (the Chancellor of the Exchequer) being convinced he had not shewn the least disrespect to the Prince of Wales, and that there was not, in his

his opinion, any foundation for the complaint of a crippled Regency.

The peerage restriction being voted, the House at length proceeded to the restriction relative to pensions, reversions, offices for life, &c. when

Lord *North* rose, and renewed his argument, that the King ought, on his recovery, to find himself in no worse situation than before his illness; and that, therefore, although the Regent might be restrained from converting any place during pleasure into a place for life, he ought to be enabled to grant places for life as they fell in. His Lordship then moved, as an amendment, to insert words substantially importing “that the Regent should have no power to grant such places for life, as were, on the first of November last, places during his Majesty’s pleasure.”

After some conversation between Lord North, the Master of the Rolls, and the Chancellor of the Exchequer, the latter arranged the amendment, so as to make it fall in naturally with the construction of the sentences of the clause; upon which Lord North returned thanks to the Right Honourable Gentleman for his arrangement, and the question on the amendment being put, was negatived.

Lord North next suggested the propriety of an amendment, grounded on the probable circumstances of the Regent’s having occasion to appoint a Lord Chancellor, or Lord Keeper. In  
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that case, the Regent must necessarily look to high situations in the law, or to Barristers in great practice; and as the place of a Lord Chancellor was precarious, from its being a political situation, it could not be expected that any man would quit the Bench, or the Bar, without some security, in case of dismissal from the office of holding the Great Seal, &c. His Lordship enlarged much upon the point, and observed, that Judges held their offices *quamdiu se bene gesserint*, and that the place of a Lord Chancellor was properly during pleasure. What, therefore, said he, could induce a Judge, who held his office for life, or a Barrister, who might get from five to seven thousand pounds a year by his practice, to quit either for the Great Seals, which he might not perhaps hold for a fortnight, unless some security was afforded him by a reversionary office? He reminded the Committee, that the avowed principles on which it was declared a Regent ought to be appointed, was, that he should chuse his political servants, and surely it would be admitted, that a Lord Chancellor was as essentially a political servant as any other whatever; he declared, therefore, that he had prepared some words to come in by way of addition to the clause, but he did not think that a sufficient security; because, in case a place of reversion was given to a Lord Chancellor, upon either resignation or dismissal, the person who had held the seals might

be a considerable time without any provision. He therefore meant to move a clause, (which he was aware might be proposed at the end of the Bill, but which he thought it fair to state then, as it made an essential part of the consideration) that the Regent should be empowered to grant such person, accepting the office of Lord Chancellor, a floating pension of 2700l. a year. His Lordship here explained, that the reason of his taking the particular sum of 2700l. a year was, because that was the sum allotted by Mr. Burke's Bill for the reform of the Civil List to Tellers in the Exchequer, in lieu of former emoluments. He concluded with entreating that, although it was a small irregularity, both the one and the other might be read, as they made a part of the same object.

The amendment and the intended clause were accordingly read by the Chairman.

*The Marquis of Graham* objected, with considerable ability, to the amendment and the clause, because he conceived they tended to give the Regent a power beyond any the Crown enjoyed.

Mr. *Pitt* said, he believed it was not Parliamentary to discuss whether there was a certainty of finding a successor to the Noble and Learned Lord who now held the Great Seals of this country. When this matter had been alluded to by the Right Honourable Gentleman who was absent, he had fairly stated what he thought to be

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the fact, that there ought to be the means of inducing a person, fit to hold the office, to take the Great Seal. He did not, however, conceive that the House ought to anticipate such a vacancy, and to provide for it before it happened. Whenever the occasion occurred, a bill might be brought in to provide for it, and he saw not the smallest objection that could be made to it; but if they agreed to it now, they would seem to anticipate a declaration of an opinion, that the Regent must necessarily have a new Chancellor,—an event which would be seriously lamented by the country.

Mr. *Sheridan* pointed out a variety of possible cases that might occur, supposing the present Lord Chancellor was to continue in office, and yet an occasion might offer to induce him to quit his situation. He added, the Right Honourable Gentleman had so often signified his departure from office, and taken leave of the House again and again, that it was wonderful he had not signified the preference the Lord Chancellor gave his probable successors, compared with the present Ministers.

Mr. *Pitt* said, that the Honourable Gentleman had indulged himself in imputing words to him which he had never spoken, and applying arguments he had never uttered. The Honourable Gentleman had said, he had signified his departure from office. It is true that his successors



had been named to him, but he had never yet heard any thing that authorised him to say he was about to quit his place. When he did hear any thing like it, he should have much to say to that House, to express his acknowledgments for the honourable support he had received, to confess his obligations to them, and to declare his hopes that he should not quit his situation, avowing principles less worthy their regard and esteem than he brought with him into office.

Mr. *Sheridan* replied, that the Right Hon. Gentleman would, without doubt, make an excellent delivery of *his last dying words and confession*.

Mr. *J. H. Brozue* delivered a very handsome panegyric on Mr. Pitt's administration.

The Committee then proceeded through the next clause, respecting the Duchy of Lancaster, after which the House adjourned to Monday.

MONDAY, *February 9.*

#### REGENCY BILL.

*The Chancellor of the Exchequer* called for the order of the day, and the twelfth clause being read,

Mr. *Dempster* said, as he found by that clause, the Prince of Wales was not to have any thing to do with the personal estate of his Majesty, he begged to know, who was?

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*The Chancellor of the Exchequer* said, the question the Right Hon. Gentleman had put was, whether there was a positive provision; in answer to which he declared there was, but they knew nothing of that personal property; he knew not where it was; but if the King possessed it, it must be in the hands of a trustee.

Mr. *Anstruther* desired to know, who those trustees were. The property might be squandered away. They did not know to whom to apply, or if they did, they might not be able to get at it. If they took care that the son should not embezzle that property, they ought to take care also that nobody else should. Mr. *Anstruther* said, he should propose a clause appointing the Princes of the Blood, the Lord Chancellor, and the principal Judges, he meant the Chief Justices of the courts of King's Bench and Common Pleas, Trustees.

*The Chancellor of the Exchequer* said, as it was a separate clause, it had better be offered at the end of the bill.

Mr. *Anstruther* acceded to the proposition.

The thirteenth clause was read, and carried without any observation.

The fourteenth clause, providing for the payment of his Majesty's household, under the direction of her Majesty, being read,

Sir *James Erskine* opposed it, as granting larger powers than were necessary to be granted; and

considered, that the expence of the household might be much decreased.

*The Chancellor of the Exchequer* said, that some circumstances arising from his Majesty's situation, rather tended to increase than diminish the expence of some parts of the household.

Mr. *Sheridan* objected to the clause as wholly unnecessary, and as tending to create a double government of the household, in the Queen, and in the Treasury.

*The Chancellor of the Exchequer* replied, that there would be no double government; the Treasury having nothing more to do with the household by the present clause, than to issue the sums ordered.

Mr. *Burke* objected to the clause, as tending to the subversion of the privileges of the Act of Establishment of the Civil List; and as tending likewise to the subversion of economy, and calculated only for the purpose of providing for a favourite and necessary corps.

The debate was here interrupted by a Message from the Lords relative to the trial of Mr. Hastings, which being delivered, the 14th clause became the subject of the adjourned debate.

A short conversation ensued upon the clause, in which Mr. Pitt, Mr. Sloper, Mr. Burke, Mr. Sheridan, Mr. Powys, the Attorney General, Sir James Erskine, and Lord North, took part.

Mr.



Mr. *Powys* moved that the clause be postponed, in which motion he was supported by Lord North, upon the ground of the propriety of deciding upon a subsequent clause first, which was the basis of the present.

This motion being persisted in, the Committee divided :

Ayes 87 ; Noes 132.

Majority 45 against its being postponed.

The clause was then put and carried without a division.

The fifteenth clause was put and carried without any conversation.

The sixteenth clause, relative to the Privy Purse of his Majesty, was next proposed, which was opposed by Mr. Dempster, Sir William Cunyningham, Mr. Burke, Sir William Moleworth, and Mr. Sheridan ; and supported by the Chancellor of the Exchequer, Mr. Dundas, Sir James Johnstone, and Sir Benjamin Hammett.

It was opposed upon the ground of the impropriety of refusing to his Royal Highness the Prince, who was to support the dignity of the Crown, the power over the Privy Purse, amounting to 60,000*l.* per annum, out of which, by the clause, was to be taken 16,000*l.* and given to her Majesty, for purposes unknown to Parliament, and the remainder to be improperly locked up from the Prince, and to be left, in case of

his Majesty's indisposition continuing, to the disposition of Parliament.

On the other hand, it was supported upon the propriety of continuing his Majesty's benefactions, and on the impropriety of seizing the moment of his Majesty's indisposition, to strip him of his property. The 16,000*l.* which had been said to be given to her Majesty for purposes unknown to Parliament, was explained in the following manner; 12,000*l.* was given to pay an established list of charities, settled by his Majesty; and the remaining 4000*l.* was to enable her Majesty to continue his Majesty's benefactions to those persons who were not on the list, but who she knew received charity of his Majesty to that amount.

Sir *William Moleworth* was willing to agree to the sum proposed to be taken from the money of his Majesty's Privy Purse, that was appropriated to the charities mentioned; but not thinking it proper that the remainder should be kept from the Prince, he moved, as an amendment, to add the words, "and that the remainder shall be paid over to the Treasurer of the Privy Purse of the Regent."

Upon this amendment the Committee divided,  
Ayes 101; Noes 156.

Majority 55 against the amendment.

The seventeenth clause was next read, vesting in her Majesty the care of the King's person, and the government of the household.

Mr.

Mr. *Pozzys* objected to that part of the clause which gave her Majesty power over the Household; he condemned it as a division of power with the executive authority, which was unjustifiable and inadmissible; the power given her Majesty over the household, and the clause restraining the Regent from creating Peers, gave a dangerous controul over the two Houses, and the country, which was put into irresponsible hands. After arguing upon the mischiefs that might result from such a measure, he concluded by moving an amendment to the preamble of the clause, leaving it open for future revision.

*The Chancellor of the Exchequer* agreed to the amendment, and said, in the course of the whole business before the House, one of the principles he had ever invariably maintained was, that the whole of the bill ought ever to be kept open, and subject to the future revision and alteration of Parliament.

The question on the amendment being put and agreed to, it was inserted in the clause.

Sir *Peter Burrell* spoke against the latter part of the clause, the patronage given by which, he said, was so loosely expressed, that it was impossible to ascertain the amount of it, and of which he conceived the House ought to be acquainted previous to their adopting the clause.

*The Chancellor of the Exchequer* acquainted the Hon. Baronet, that the whole amount of the sa-



salaries of the household, from the great officers at the head of the different departments, down to the most menial servants in any of the palaces, or the stables, was no more than 100,000*l.* per annum; out of that sum there was no more than about thirty thousand pounds received for salaries by members of the two Houses of Parliament; there were seven in the House of Commons, whose salaries amounted to about 4000*l.* and eighteen Lords in the other House, whose salaries amounted to about 26,000*l.* Such influence, he said, was not, in his opinion, likely hereafter to preclude any revision, or necessary alteration in the system proposed for the present emergency.

Sir *Peter Burrell* returned his thanks to the Right Hon. Gentleman, for his clear and explicit explanation.

Lord *North* said, notwithstanding all that had been urged, he did not see that it was a self-evident proposition, that all the officers of the household must be made subject to the controul and nomination of the Committee of the King: nor could he conceive that the Queen ought to have any power or controul over any officers of the household, excepting only such of those officers, as were from their situations in the household, obliged to attend upon the King's person: the rest of the officers ought not, in his opinion, to be under  
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the controul of the Committee of the King, but annexed to the King's representative, the person who actually exercised the royal authority. Why could not the Right Hon. Gentleman try to separate the household? To separate the regal office from the royal prerogative seemed no difficult point; but to separate the grooms, the equerries, and the pages, from the Lord Chamberlain, the Lord Steward, and the Master of the Horse, had been deemed almost impracticable, and yet it was of the utmost consequence. He asked, which of the two evils was the greatest, and which was of the most importance, and established the worst precedent? The separating of the household, or the withholding from the Regent the source of that general influence which the Constitution had deemed necessary to be given to the Crown and to the executive power of the country; that general influence without which the Crown could not exercise its duties. In all general influence there was necessarily, his Lordship said, a degree of parliamentary and political influence: but he saw no harm in that; and yet that influence was treated as of very little consequence. The Right Hon. Gentleman had acknowledged that eighteen Peers of Parliament belonged to the household; did Gentlemen consider, that eighteen Peers voting on one side, made the difference of thirty-six on a division, and was that nothing? He did not say a bad use would be

made of that influence, but the withholding it from the person exercising the royal authority, was contrary to the principles of the Constitution. But it had been said, it would be a comfort to the King to see his household about him : for his part, his Lordship declared, he could see no comfort that could derive to his Majesty during his illness, by having this power of his representative vested in other hands. Who would say that his Majesty himself, when he recovered, would not revolt at such a principle ! He had not heard what single royal duty was not expected from the Regent ; if, therefore, the Regent was to continue charged with the whole duties of a King, why was he to be curtailed in his prerogatives ? The consequences of introducing such a new principle into the Constitution, might, when his Majesty should be restored, disturb the peace of his reign. The Constitution annexed all the power of the royal prerogative to the Crown, because all the power was necessary. If it were not necessary, it was too much ; and if too much, it was pernicious, and ought to be abolished. His Lordship concluded with declaring, that he had delivered his first testimony against the idea of its being right to separate this patronage of the household from the person that held the situation of the King.

After some observations from Mr. Grosvenor in favour of, and General Norton, Mr. Wilbraham, and Mr. Keene against the clause,

Mr.



Mr. *Pitt* rose again. He observed, that the grounds of objection to the clause were now stated to be, that of parliamentary influence; a ground which he would venture to say it was wholly unusual to take broadly and openly in that House: because whatever might have been Gentlemen's private opinions respecting that peculiar kind of influence, it never had been avowed to be necessary to government, till the noble Lord had thought proper to avow it that day. When it was said that it was necessary to keep up the state and splendour of the Regent, by decorating him with those external marks of the royal dignity, ought not the King's dignity to be kept by such marks? Ought they, in the earliest moments of his Majesty's illness, to be eager to strip him of every mark of dignity, in order to deck out the Regent with unnecessary powers? Mr. *Pitt* contended, that they ought not; but it was their duty to manifest that they had not forgot the respect and reverence due to a Sovereign who had throughout his reign proved himself the father of his people. He said gentlemen were aware that it was intended, at a fit opportunity, to provide for the Regent such an establishment, as should be adequate to distinguish him by a degree of state and dignity, which, the exalted situation he was to fill, rendered necessary for the honour of the nation.

Mr. *Marshall* said, he would affirm that there were Members of Parliament under influence. He reminded the Committee how often they had

attempted, by various bills, to prevent persons holding places, from having seats in that House, and said it was no reflection on the persons so disqualified. He instanced the Excise and Customs, in which every person enjoying a salary of 400l. or 500l. a year, was, by act of Parliament, rendered incapable of a seat in that House. With regard to the influence resulting from the patronage of the King's Household, if the Right Hon. Gentleman would add to it the weight of influence arising from the Members of the two Houses holding places in the Household of the Queen, and would put the parliamentary influence of the two Households together, he would find that the number would be nearer sixty than thirty.

Mr. *Pozzys* wished to enter his protest against the proposition stated by the Right Honourable Gentleman; declaring that he would oppose the motion for a new Household, whenever it should be brought forward.

Mr. *Sheridan* condemned the idea of the Queen's having the power to change the officers of the Household in her own name, observing that they had all been appointed in his Majesty's name. If it was so necessary to keep the Household remaining, the places ought, Mr. Sheridan contended, to be put in a state of suspension and abeyance during the continuance of his Majesty's unhappy malady, and the words "salary, profits, and emoluments, left out of the clause. He noticed the declaration of the Chancellor of the Exchequer

quer, to make new establishments for the Regent. He asked how the Right Honourable Gentleman could dare to suggest such an idea, after having heard the declaration from authority, that the Prince of Wales desired to have no such establishment created as should cause fresh burthens to be laid on the people. The Right Hon. Gentleman must, he said, have a pretty considerable share of presumption in taking it for granted, that the King, on his recovery, would be pleased to hear that a new tax had been imposed on his people for such a purpose. After expressing himself with farther warmth against the clause, Mr. Sheridan concluded with declaring, that he, for one, would vote against such an unconstitutional division of power.

Mr. *M. Montague*, in a short, but neat speech, defended the clause. Mr. Montague considered the idea of the Queen's obstructing the government of her own son as most unnatural and improbable. He spoke of the Queen's high character and moderation hitherto, and declared that politics must be a strange science, so totally to obstruct every feeling of parental regard and maternal affection.

Sir *William Dolben* said, that the Regent having the office and duties of a King, should also have the patronage of the Crown, he agreed to; but not to the assertion of the officers of the Household being the political servants of the Crown. The  
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superior officers might; Sir William thought, very properly attend the Regent; and if there were any dismissions, they ought to be in the name of her Majesty, but the supply of the vacancies should be in the Regent. He declared, he thought that there was as much patronage annexed to the Regency as ought to belong to it: he was aware, he said, that there were many claimants for the loaves and fishes; that some would faint by the road side, and others the Prince would be forced to send empty away; but then he would have many vacancies to fill, and more would fall in every day. Sir William concluded with declaring, that he should vote for the clause as it stood.

Mr. *Burke* observed, that the Right Honourable Gentleman had asked if they wished to strip the King of every mark of Royalty, and transfer all the dignities of the Crown to another person? No, God forbid! when the person wearing the Crown could lend a grace to those dignities, and derive a lustre from the splendour of his Household: but did they recollect that they were talking of a sick King,—of a Monarch, smitten by the hand of Omnipotence, and that *the Almighty had hurled him from his Throne, and plunged him into a condition that drew down upon him the pity of the meanest peasant in his Kingdom.*

Mr. *Burke* was here most violently called to order. However, after a great deal of very extraordinary

extraordinary declamation, he proceeded to argue the clause. He censured the idea of giving the powers of the Crown to one, and its patronage to another. As the business was planned, the government would be weak, enervated, and altogether destitute of dignity. He asked, how would the King, on his recovery, be pleased to see the patronage of the Household taken from the Prince of Wales and given to the Queen? He must be shocked at the idea, unless they supposed that the King was a good husband and a bad father. He referred to the Regency Bills in the reign of George the Second, and the Regency Bill passed in the present reign, and argued from both, contending that in both full powers were given. He contended also, that the Royal Family were noticed in each, whereas they were totally excluded from the present Bill, and power of an enormous magnitude was taken out of the hands of the King's eldest son, and put into the hands of a person not of his blood. He observed, that to the Queen the House proposed to be prodigal, but to the Heir Apparent they had not given the least dignity in the world. The Right Honourable Gentleman, Mr. Burke said, was to have 300,000*l.* influence when he went out; while he thought the Prince might do without any influence at all. In former times, the way to popularity was by standing up in defence of the liberties of the people; but the Right Honourable Gentleman

tleman was born for the age in which he lived,— he took another road; his first object was, by some means or other, to get court favour, and having obtained indirectly some degree of power, he thought to gain popularity afterwards, if he could. He contended, that by depriving the Regent of the power of making Peers, they had shut the door of the House of Lords against the people, and made it the great, independent, and omnipotent branch of the Legislature. After throwing out much personality against Mr. Pitt, he recurred to the sentiment with which he had begun his speech.

*The Chancellor of the Exchequer* rose, not, he said, to detain the Committee, but there had fallen some things in the debate, which seemed to call for a few short observations. In the Right Hon. Gentleman's speech, he seemed rather to have addressed him personally, than endeavoured to argue the clause in question; the Right Hon. Gentleman seemed to think, that his going out of office was a point of greater importance than any thing contained in the clause under consideration. The Right Hon. Gentleman had charged him with having told the House he was going out of office; the fact was, he never had told them any such thing, nor did he know that he was to go out. But so far was he from having ever said he was to go out, that a Right Hon. Gentleman, not then present, had, on an early day in the course



course of their discussions, told him, in a way peculiarly marked and expressive, that he and his friends were to be his successors; when he had, in reply, stated, that from the opinion he entertained of the principles of those who, it was said, were to be his successors, (an opinion founded in his knowledge of their former conduct,) he thought it the more necessary to pursue the system of measures that he was recommending, and he had made that very declaration an argument in support of the measures themselves. When the Prince of Wales was declared Regent, the Chancellor of the Exchequer said, he supposed his Royal Highness would keep him and the rest of his Majesty's servants in office, or he would choose other servants, according to his own ideas of what would be most advantageous and best for the country. Whether he staid in or went out, his best endeavours, he said, should be exerted for the service of his country. The next argument the Right Hon. Gentleman had resorted to by way of charge against him, was neither more nor less than a direct fiction; because the Right Hon. Gentleman had chosen to say, that he was to have a connection with the power placed in the Queen's hands; an assertion entirely void of foundation, as he most undoubtedly was to have no such connection. Another matter that the Right Hon. Gentleman had repeatedly mentioned, though he had been again and again

answered, 'and that was, that the amount of that patronage was 300,000*l.* a year. The Right Hon. Gentleman, he said, knew little about the Civil List, if he asserted the offices amounted to 300,000*l.* a year; the sum did not amount altogether to much above 200,000*l.* and in that sum was included all the approved tradesmens bills, amounting to near half the money, and which had no connection whatever with political or Parliamentary influence. The Chancellor of the Exchequer defended himself from having, in his opening, called the Lord Chamberlain, the Lord Steward, and the Master of the Horse, the menial servants of the Crown, and said, it was the very term bestowed on those officers by the Right Hon. Gentleman, in his own bill for the reform of the Civil List. [This appearing to be doubted by Mr. Sheridan and some of the Gentlemen on the other side, Mr. Pitt referred them to the Bill, and pointed out the clause in question.]—He desired Mr. Sheridan to give him his attention while he answered one part of his speech.—He then took notice of Mr. Sheridan's assertion, that the best way to support royalty was to separate the person of the King from every royal dignity. He declaimed on this remark in most eloquent terms, and denied that his Majesty was at present in an humiliating condition; instead of his state being low, abject, and degrading, as the Right Hon. Gentleman had described it, it was quite

quite the contrary. His present visitation of sickness had excited in his subjects something more than the loyalty they always paid him; it had roused in the hearts of his Majesty's people a greater fervour of affection, which was blended with a degree of grief and compassion that partook of veneration and respect.

Mr. *Pitt* here entered upon the subject of the King's illness, in a most pathetic manner, that drew particular attention from both sides of the House, which he concluded by asking, whether, if that House could so far forget their duty and their allegiance, as to strip his Majesty of every mark of royalty and of dignity, in order to give that, which belonged properly to their rightful Sovereign, to the Regent? And, if there was no other way of providing for the state and splendour that ought to attach to the office of Regent of the kingdom? Most undoubtedly, he said, there was, and it was well known, that at a fit time, that establishment would be proposed; but the Honourable Gentleman had thought proper to say, that notice had been given from authority, that his Royal Highness would not accept of any establishment that should lay an additional burthen on the people. He exposed the fallacy of this mode of argument, and shewed, that the utmost amount of the incomes of those officers of the Household, who were in the two Houses of Parliament, was no more than 30,000*l.* a year,



one fourth of which was paid back again in taxes. He said, he was persuaded when it should hereafter be necessary to submit to his Royal Highness, that Parliament had thought an establishment proper to keep up the dignity of his office, as well for the sake of the national character, as his own honour, neither his Royal Highness would object to it, nor would the people murmur at being called on to provide for a purpose so necessary, and so proper.

Mr. *Sheridan* complained that the Right Hon. Gentleman had, in a very extraordinary manner, perverted his argument, by saying, that he had stated, that separating all the Royal Dignities from the person of the King, was the best way of supporting the dignity of the Crown. His argument, he said, was, that all that had been given in support of the state and dignity of the Crown, ought to be annexed to the person exercising the Royal Authority, and not to the King confined to a bed of sickness, and incapable of exercising the functions of the Kingly office.— After stating the influence which would be acquired by the possessing a power over the Household, Mr. *Sheridan* moved to annex some words to the clause, purporting to empower her Majesty to have the direction and controul over such officers of the Household, as should be deemed necessary to attend about his Majesty's Person.

The

The amendment was no sooner read than Mr. Pitt stated his objection to it, because it was inconsistent with the principles on which they argued, and with the mode of proceeding.—It was, he believed, the first time that an amendment, couched in such general words, was moved in a Committee on a bill. If the amendment was agreed to, it would be necessary to move an additional clause to explain what the general words of the amendment referred to.

Mr. *Sheridan* observed, that the preamble of the clause naturally led to such an amendment as he had proposed; and as an argument in proof of its propriety, remarked, that by the bill, the Queen having the power of appointing and discharging the officers of the Household, they would be her officers, and not the King's; and, as she was not obliged to fill up the vacancies, great inconveniencies might arise from thence.—Suppose the office of Lord Steward should be vacant, and the Queen were not to fill it up, who would there be to swear in a new Parliament, if a new one should be called.

Mr. *Pitt* said, that if one Lord Steward was to die, the Queen would appoint another; or if there should be no Lord Steward, there would not be any great difficulty in providing for swearing in the Parliament.

At length, after some further observations from Mr. M. A. Taylor, Mr. Burke, and Lord

G. Cavendish, the Committee divided on Mr. Sheridan's amendment.

Ayes, 118.—Noes, 173.

The original clause was then carried, and the House adjourned.

TUESDAY, *February 10.*

### REGENCY BILL.

The order of the day being read for the House to go into a Committee on the Regency Bill, Mr. Alderman Watson took the Chair, and read the clause which relates to the Council that was to assist the Queen in the care and superintendence of the King's Royal Person, during the continuance of his illness.

Mr. *Pitt* rose, for the purpose of proposing to fill up the first blank, with the names of such persons as the House might think proper to appoint to assist her Majesty in the trust appointed her for the care of his Majesty's person. It would, he said, be necessary to put the question singly on each person proposed; but for the satisfaction of the House he would, previous to his putting any single name, submit to the House the whole of the names he meant to propose to fill up the blank. Those persons, he had no doubt, would be admitted to be exceedingly proper;



proper ; but as it might appear necessary to have other great and important persons to assist her Majesty, it was natural to look to the heads of the church, and the law ; the persons he should therefore have to submit to the Committee, as proper to be of her Majesty's Council, were the two heads of the Church, the Archbishops of Canterbury and York ; and the heads of the law, Lord Thurlow (Lord Chancellor,) and Lord Kenyon (Chief Justice of the King's Bench ;) these persons, in addition to the respect of their high situations, had been approved by his Majesty, and no persons he conceived were more proper to be appointed of her Majesty's Council. —In addition to those respectable persons, he should have to offer the four officers at the head of the departments of the Household for the time being, viz. the Lord Chamberlain, the Lord Steward, the Master of the Horse, and the Groom of the Stole ; the first motion, therefore, that he had to make to the Committee was, " That John, Lord Archbishop of Canterbury, be one of her Majesty's Council."

The question being put,

Lord *North* rose, not for the purpose, he said, of objecting to the Archbishop of Canterbury, the Archbishop of York, or Edward Lord Thurlow, or to Lord Kenyon ; these were all undoubtedly very fit persons, and no objection whatever could be taken against them. His Lordship applied

this observation likewise to the other four officers.—Though he saw no reason for appointing them officially, and the first four by name. His idea was that some more persons ought to be added to those already named.—He conceived that it would be proper this council should consist of a greater number than eight, and therefore he thought they might with propriety add the King's sons, who were of age, and the King's two brothers, the Dukes of Gloucester and Cumberland; these persons were nearly related to the King by blood, by affection, and every tender tie of nature; and, therefore, extremely proper to be added to this Council, that was intended to assist her Majesty in taking care of every thing that related to the King.

Mr. *Dempster* expressed his surprise that the Speaker of that House, and the Lord Mayor of London, for the time being, should have been omitted; and signified his intention of proposing the insertion of those officers.

Lord *Maitland* called upon the Right Honourable Gentleman for the reason of omitting the Chief Justice of the Common Pleas, and for appointing the Archbishops of York and Canterbury, and the Lord Chancellor, and the Chief Justice by name, and the other four officially.

Sir *Peter Burrell* wished to know, as there were but eight Counsellors provided for her Majesty, whether she was to have the casting vote? He  
also

also wished to know why four of the Council were to be permanent, and the other four left to the nomination and removal of her Majesty.

The *Marquis of Graham* said, in answer to Sir Peter Burrell, that this was a Council of Advice, and not of Controul. That the Queen needed no casting vote, and it was at her option whether she should take or reject the advice her Council gave her. In answer to the proposition for introducing into the Council the Princes of the Blood, he said there appeared to him a clear line for their exclusion; they were so connected with that Great Personage by the ties of affection, that they would be at all times ready to give their advice, and they could give it without responsibility; it would therefore be improper to appoint them to responsible situations, making them liable to be brought to the bar of that House and examined, when other persons of great ability, and learned in the law, could be found to occupy those responsible situations. In answer to the proposition for admitting the Chief Justice of the Common Pleas, he said he knew not where they were to stop, if every man, wise and great enough for this Council, was to be a member of it.

After some general observations from Mr. Sheridan, Mr. M. A. Taylor, and Col. Phipps, the Chairman called the attention of the Committee to the question before them.

Mr.



Mr. *Pitt* observed, he believed the worthy Alderman was right in the point of order; but as the true object of order was to save time, and shorten their proceedings, perhaps it would be most advisable to go into the whole subject at once. He conceived that it would be strictly orderly, if the noble Lord thought proper, to propose at present to name the Duke of York, and move to postpone the name of the Archbishop of Canterbury.

Lord *North* said, he was willing immediately to propose the names of the Princes of the blood, and should move that the name of the Archbishop of Canterbury be postponed, in order to move that the Duke of York should be inserted, by which means the Committee could at once enter into the debate on the general formation of the Council.

Mr. *Sheridan*, in order to shorten the debate, requested the Right Honourable Gentleman to withdraw his motion.

Mr. *Bouverie* wished to know whether the Council were to be responsible for their advice?

Mr. *Addington* said they were clearly responsible, being obliged to take an oath of office. If, therefore, a suspicion existed of their having given her Majesty improper advice, they would be liable to impeachment.

Mr. *Pozzys* wished to know from the Right Honourable Gentleman, if convenient, to what manner,

manner, and to what extent, the responsibility attached to the Council?

Mr. *Pitt* said, it was not at all inconvenient to him to give a perfect answer to any thing that was asked. No trust could be created by any means affecting the public interest, or could exist without public responsibility. According to every principle of the constitution, every trust under government had responsibility attached to it. Whatever advice the Council should give to her Majesty, they would be responsible for such advice; and if the House should see sufficient reason to think that by such advice his Majesty, or the Constitution was in danger, they had the same power to enquire who were the advisers, and call her Majesty's counsellors to account as they had to call on the officers of government.

*The Attorney General* said, the House might on any suspicion of ill advice, address her Majesty to name her advisers; that those persons were always answerable, but particularly in a parliamentary trust, and the House might proceed against them in a parliamentary way.

Mr. *Anstruther* said, nothing was so clear as this: no trust can be abused, without responsibility in the persons so abusing their trust; and it was thence evident, that there could be no Parliamentary trust without responsibility being attached to it.

Mr.

Mr. *Burke* said, the Queen was responsible as a subject, and doubly so as a trust was given to her. He agreed that no trust could be given without responsibility; in the present instance, however, the principle was recognized and violated; for though a responsibility was avowed, there were no traces by which that responsibility was to be found. In the clauses appointing the Prince to the office of Regent, the greatest was by oath; but in the Queen's trust there was no oath, nor any trace of a trust; and though meant to stand apparently and avowedly as a trust, it was not guarded as if it were really so. It had been urged, that the reason for not proposing the Princes of the Blood was out of respect to them; that respect was to put the Princes of the Blood out of the Commonwealth, because they were the first persons in it. He contended that the bill was not calculated to shew respect to his Majesty, but to manifest an interested regard for the Household in its authors, and a determined effort for the support of a faction. The framers of it had first proceeded to a violation of precedents, next to a violation of law, then to a violation of the constitution, and now they had arrived to a climax of violence—a violation of the law of nature.

Mr. *Pozzys* said, that having by a distinct clause attached responsibility to the Prince of Wales,



they ought to attach it to the guardians of the King's person.

Sir *R. Sutton* observed, that counter signing made a person responsible; by Address to the Queen to know who the adviser was, evil advisers might be come at.

Mr. *Pitt* wished the Committee to come to a decision on the question before the House, and expressed his readiness to meet the motion of the noble Lord afterwards.

The question was then put, "That John Lord Archbishop of Canterbury, be one of her Majesty's Council," and was carried without a division.

Mr. *Pitt* next moved, "That Edward Lord Thurlow be one other of her Majesty's Council."

Lord *North* rose, and suggested the propriety of moving the names of the Princes before the question on Lord Thurlow's name.

*The Chancellor of the Exchequer* objected to postponing the Lord Chancellor's name.

After some further debate, and the Committee had decided that the eight names proposed by Mr. *Pitt*, should stand as the names of eight members of the Council,

Lord *North* moved, "That his Royal Highness the Duke of York and Albany be a Member of the said Council."

Mr. *Pitt* declared, that he was ready to state his reasons, why he thought it necessary to give his

his vote against the motion. Possibly what he had to offer, as well as his conduct on that occasion, might be placed in the catalogue of disrespect, and added to the other imputations so unjustly charged upon him of meaning to manifest a want of due attention and regard to the younger branches of the Royal Family; be that as it might, so long as he was conscious of acting upon no other principle, than an anxious desire to discharge his duty faithfully, in a moment of great arduousness and difficulty, he should firmly adhere to the rule of conduct that he had laid down for himself, as most advantageous to his country, and as best becoming his own character, perfectly regardless of any consequences, however personally injurious they might be to him. The first matter to be considered was, he said, the nature of the Council in question, which was to be a Council of Advice, and a Council of Advice only. It had been said to be a trust, but the trust was to advise her Majesty in the care of his Majesty's person. The noble Lord had proposed that the Duke of York, the second son of the King, should be a member of that Council. Perhaps the reasons assigned by a noble Friend of his, a noble Marquis, who spoke early in the debate, was of itself sufficient to shew that the appointment of his Royal Highness to be a member of that Council, would be both unnecessary and improper; his noble Friend's argument remained to  
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that moment unanswered. Most certainly there could be no occasion to put those Princes of the blood, who were of course the natural advisers of her Majesty, into a responsible situation, and make them members of a Council, who were to advise the Queen when called on so to do, and were to answer for that advice. In the common transactions of the care of his Majesty's person, her Majesty would naturally consult the persons of her own family ; but when an act was to be done of a much more important nature, she would then call upon her Council, who ought to be persons disinterested in the advice they might give, (farther than as their general wishes for the restoration of his Majesty's health, which they must feel in common with the rest of his Majesty's subjects, should make them otherwise) and who would necessarily be the best able to advise her Majesty. Whatever, therefore, they might do in form, it was clear that in the appointment of the trust, whatever the advice might be that was given, the authority to act upon should be in a single person. Another reason why it would not be right, in his mind, to name the Duke of York was grounded on those general principles upon which it had been deemed improper to let the Prince of Wales have any concern in the care of his Majesty's person. It was the situation and not the character of the Prince that precluded him from being



named to a share in the office of the Committee of his Majesty ; he who was to be Regent ought not to have any concern with the care of the King, because being next in succession, he was not fit to interfere in that concern. If, therefore, the Prince of Wales was unfit for such an interference, respect to him made it necessary to extend the same general principles to the Duke of York and the rest of the Royal Family.

Lord *North* said, the Right Hon. Gentleman had seemed to wonder that he had made the motion, without accompanying it with much argument ; the reason was, his Lordship observed, because he conceived he had argued it very sufficiently when he had first risen in that day's debate ; if the Right Hon. Gentleman, however, thought it wanted argument, he would state a few more reasons why he thought the Committee ought to adopt it. The Right Hon. Gentleman had alluded to the speech of a noble Marquis, and had said it remained unanswered. The noble Marquis had said, the Queen might, if she pleased, call for the Council of the Princes, and therefore there was no occasion that they should be members of the Council of Advice. The Queen might, his Lordship said, if she pleased, call for the advice of any one or all of the eight persons named for her Council, just as much as she should call for it in their capacity of counsellors. The Privy Council was in a great measure a Council  
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of Advice. The Princes of the blood were members of the Privy Council, and when they attended a Privy Council called by the King, they attended a Council of Advice. The Council to be appointed under the authority of the bill was, his Lordship said, not long since stated to be a Council of Advice, but afterwards to be something more, because they were to be partakers of the act of restoring his Majesty to his government. The Right Hon. Gentleman had said, that they should not trust the person of the King to the successor of the Crown. That principle, his Lordship said, went too far; it was a barbarous principle, that excluded every one of the Royal Family from those councils and that advice. He contended that there was not any rule that could support excluding the successor from a Council to consider what was best for the care of the health and the preservation of his Majesty.

Mr. *Addington* much doubted if there could be but one opinion in the country; whether or not that opinion was as the noble Lord had stated it to be, certain he was, that there were sufficient reasons why that ought not to be the opinion of that House. The noble Lord had declared, that he conceived the principle of excluding the successor to the Crown from the council to advise her Majesty in the care of the King's person, was a barbarous principle; it was, nevertheless, Mr. *Addington* said, the principle that governed

the practice of the first Court of Equity in this kingdom, in all cases concerning persons labouring under the malady with which his Majesty was unfortunately afflicted. The rule was never to appoint the Heir Apparent, nor even the Heir Presumptive, to have the care of the person indisposed, but to take, as the most unexceptionable, the individual least interested in the death of that person. The Queen stood precisely in this predicament. Her Majesty, for a thousand reasons, was the most proper to have the care of the King's person; and the Prince of Wales was, for a variety of very different reasons, unfit to take any share in that concern. The noble Lord, he observed, had said, that in case of her Majesty's death, the Council would have the care of the King's person. If the Duke of York, therefore, was to be of the Council, and the Prince of Wales were to die, the Duke of York standing then as Heir Presumptive of the Crown, would have the custody of the King's person, which would be highly improper. When the death of the Queen should happen, the bill had provided for the circumstance. The only case in which the Queen ought to act under the bill by herself, was in regard to the resumption clause, and the bill especially defined what was to be the line of proceeding to be adopted. Mr. Addington assigned, as an additional reason why the Duke of York, and the other Princes of the blood, ought



ought not to be of the Council, that their over anxious wishes for his Majesty's recovery, might make them too zealous, and induce them to pronounce that his Majesty was in a state of sanity, before his restoration to health was complete. Mr. Addington, before he sat down, solemnly declared that in regard to the measures lately pursued in consequence of his Majesty's unfortunate illness, he had acted from principle; he had maturely considered every part of the system; he had voted upon conviction in consequence, and he felt a pride and a pleasure in having given his feeble support to his Right Hon. Friend.

Lord *North* rose to explain. His expression that excluding the successor to the Crown from the Council, was pushing a barbarous principle to a barbarous extent, was not his own expression, but that of Lord Chancellor *Macclesfield*, in a similar case to the present. The Hon. Gentleman, his Lordship observed, had argued thus: "Would you," said the Hon. Gentleman, "trust the Presumptive Heir to the Crown with the care of the King's person?" The Duke of York, his Lordship observed, was not the Presumptive Heir to the Crown, nor would he have, if named one of the Council, any sort of controul over the Queen. He was only, as other counsellors were, recommended to advise her Majesty, when she called for that advice.

On the question being put, there appeared,  
Ayes 130; Noes 177.

His Royal Highness Prince William Henry  
was then proposed, and the Committee divided :  
Ayes 128; Noes 176.

His Royal Highness Prince Edward was nega-  
tived without a division.

The Committee divided on the Duke of Glou-  
cester's name.

Ayes 129; Noes 170.

The Duke of Cumberland was negatived with-  
out a division.

WEDNESDAY, *February 11.*

#### REGENCY BILL.

Mr. *Pitt* moved the order of the day, and the  
House resolving itself into a Committee of the  
whole House, that clause which relates to his  
Majesty's resuming his Authority, was read.

Mr. *Pitt* observed, that in considering this  
clause, it was necessary to advert to the subse-  
quent ones, they being all connected together.  
The general principle of the clauses he need not  
argue, as the provisions for his Majesty's re-  
sumption of his government, arose out of every  
principle of regard to the Constitution, the law  
of the land, of the allegiance they all owed to  
that

their King, and out of the resolutions themselves, which were professedly calculated for the interval of his Majesty's indisposition alone. The general principle felt by the public was, that the whole of this measure was calculated only for the duration of that necessity; in policy they were also bound to take measures that the Regency should continue no longer than the happy moment of his Majesty's capability to resume his right; it could not be the wish for it to last any longer: the point they were then considering was, he said, of the greatest importance. It was his Majesty's undoubted right to resume the personal exercise of the Royal Authority as soon as he was capable of it. They were providing for that right; and in so doing, they ought to provide according to the constitution, that they should not be thought to be trenching on royalty; and if they went any farther than the necessity of the case, they should be *usurping* to themselves a privilege of transferring the King's undoubted right to another. As long as there existed the necessity of his Majesty's remaining in the care provided for the royal person, they could not look for one royal act from him; the first preliminary, therefore, was, that previous to his Majesty's resuming the Royal Authority, the Queen and her Council must notify that the infirmity no longer subsisted. And when the Queen and her Council suggested that the infirmity no longer existed, his Majesty would have a clear, indisputable right to



resume his government : upon such notification of the capacity of his Majesty, he would not be able to do any act of royalty, but through some ostensible channel. It was then the duty of that House to provide for his Majesty that ostensible and fit channel, through which he would have to communicate his act to the Parliament and the people. In the doing which, they were to look to ostensible persons, to the Privy Council ; those who might, on his Majesty's recovery, be in executive departments, would by no means be fit persons to consider his Majesty's capability of returning to his government ; the mode therefore proposed in the next clause was, that those who should be at the time, or shall have been, of his Majesty's Privy Council, and who should be selected by his Majesty, to any number not less than *nine*, he meant to propose, should be the channel of communication, and if *six* of such Privy Council should agree with the representation of the Queen and her Council that his Majesty's infirmity no longer existed, and should have countersigned the proclamation, they would be the channel through which his Majesty would have to communicate to the public his recovery.

Mr. *Pozwys* warmly opposed this doctrine, as it was destructive of the rights of Parliament, and therefore he wished to introduce several amendments ; not that he believed they would be adopted, but to shew his detestation of the bill *in toto*.

Sir

Sir *Richard Sutton*, in answer to Mr. Powys, contended, that Parliament had no sort of right to restore the exercise of power to the Crown;—for, the very moment his Majesty was relieved from his present disorder, that moment he was, by right of his Crown, entitled to reassume its power, and Parliament could not prevent him.—What! were the House of Commons to examine whether his Majesty had a right to sit upon the throne? He trusted no such preposterous idea would be entertained:—nor would it be proper in the House of Commons, when their Sovereign claimed his right, to enter into a debate whether they should admit him or not.

Mr. *Francis* could not comprehend Mr. Pitt; nor did he know what was meant by the word *channel*; which, he said, the Right Hon. Gentleman had mentioned *fourteen* times.—As to the clause, he reprobated it entirely.

Mr. *Marshall* objected to any particular number of the Privy Council, and argued strongly, that the same physicians, who had already attended, should again be examined, whenever his Majesty's faculties, were said by those about him, to be restored; and, when this was made out in a satisfactory manner, both Houses should wait on his Majesty with an address, requesting him to resume his former power. As this was his idea, he should propose a clause, by way of amendment; which was, that, after it was noti-

fied that his Majesty had recovered, the physicians should be ordered to attend, within fix days, at the Bar of the House, to whom the following question should be put, in the most solemn manner,—“Is it your opinion that his Majesty is now in such a state of health as to resume the Royal Authority?”—On the answer to this in the affirmative, then Parliament were to go up with an address, and all the powers of the Regency cease.

Col. *Phipps* asserted the right of the King to resume his government the moment his infirmity ceased to exist. He wished the resumption to be brought forward in the most easy, and at the same time in the most responsible manner; and, for that reason, he objected to the interference of Parliament, who, not being a responsible body, were improper so to act. He wished they might keep within their own bounds, and look after the responsibility of others. He wished them not to drag their Sovereign to their bar, to be examined as to his recovery; but to be ascertained by those who had seen the progress of his recovery. He saw the King was mending. Dr. Warren, he observed, had signed his name that his Majesty was better. Dr. Warren, and the rest of the physicians, and not the House, would see the progress of his recovery. The Colonel animadverted on the speech of Mr. Powys. That Gentleman had said, the King, on his recovery, would



would ask, Have my Parliament given me this power?—My children?—My brothers?—No.—The Parliament gave him the power, Col. Phipps said, at the time of the Revolution. He declared he wished them not to take upon themselves the part of a Republic, and, when they thought proper, present a Crown; but to act as a Parliament, with a free Constitution at the head of it.

Mr. *Sheridan* said, the real question was the fact of his Majesty's being restored, and capable of resuming the Government, and the manner in which that should be ascertained, and the resumption of his powers made. After passing that bill, the real question would stand, that his Majesty had no right, though his Majesty would have an unquestionable right on his recovery.—But what were the proper means to ascertain that recovery? By the mode proposed for his Majesty's resumption of his government, it was to be under certain terms and conditions. Who, then, were to be the judges of those conditions? Who so proper as the two Houses of Parliament? There was no person, he said, doubted the propriety of going into an examination to prove the incapacity; it was their duty to do so, and it was equally their duty to take care to provide against any act of his Majesty until his capability was known. By the present clause, they were about to delegate the trust that belonged to themselves  
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to others, and thereby depart from the duty they owed their country, and degrade themselves, by acknowledging, that these eight Counsellors of her Majesty were more trust-worthy than Parliament.

Mr. *Dundas* said, it was necessary for the Parliament to ascertain the incapacity of the King; because, upon ascertaining that fact, a right arose to them to provide for the defect in the personal exercise of the Royal Authority. But there was no reason why the two Houses should ascertain the fact of the King's being able to reassume the Royal Authority; because, on that fact, no right arose to the two Houses of Parliament. He agreed with the Hon. Gentleman (Mr. *Marshall*), that they should embrace the very first moment to approach the throne, and congratulate his Majesty on his re-assumption of his authority arising out of his right, when his state of health was such as to enable him to exercise it. But this was all the length he could go with the Hon. Gentleman. Would any man say, that it was proper that the King should come down to Parliament, and, like a suppliant, claim his right from the Regent? This bill had provided such checks as were proper to prevent any inconveniencies or danger to the country, from the mode therein prescribed for the King being restored to his authority. Could any man in his conscience believe, that the Archbishop of Canterbury,

bury, and the other respectable characters appointed to ascertain this fact, would give an opinion of the King's recovery, if they were not satisfied that recovery existed? This was the feeling he had of it, and he was sure it was the feeling of the public at large. It might be supposed, that the Queen, from a premature solicitude, might wish to produce the King to his loyal subjects; and he would not suppose the eight persons who were to compose the Council had not the same feelings. Nay, if the whole House of Commons were of this Council, they would all be actuated by the same feelings on this subject; but the feelings of these respectable characters would be guarded by their sound discretion and judgment.

The King, by this bill, was left to his own feelings, and was not compelled to reassume the Royal Authority, but might do it, or not, as he pleased. The opinion of the King must be supported by six out of nine Privy Counsellors, before his Majesty can declare to his subjects, *I am again your King*; I feel myself fit for the exercise of the Royal Authority. It had been asked, to what responsibility the Queen's Council were liable?—They were subject to the same responsibility that any Member of the Privy Council was for any act of public detriment. If this Council did any thing rashly, they were criminal, and punishable by Parliament. If this Council  
abused



abused that trust which was entrusted to them, the Parliament would exercise their controuling, punishing capacity, in bringing those to punishment, for abusing the trust which had been reposed in them.

After a considerable portion of debate, in which there was more personality and invective than sound argument, Mr. *Sumner* requested that the Chairman would read the question.

Mr. *Watson* informed the Committee, that there was no question before them.

Mr. *Pitt* said, the question was, to fill up the blank in the first clause; but that, at the desire of the Committee in general, he had summarily stated the principles and arguments on which he rested the whole of the regulation.

Mr. *Burke* took particular notice of Mr. *Dundas's* speech. The Hon. and Learned Gentleman thought, that, to depose his Majesty's Government, it was necessary to make an examination of physicians before that House; but, to give it to him, it was not necessary for that House to have any examination. The Hon. Gentleman asked, what they had to say of the characters of the Officers of the Household? He had nothing to say of them, but that, when they had accepted the trust, they were not fit to hold it. He might adore the Duke of Montague, he might worship the Earl of Salisbury; he knew those—but he would not say what others, as great as they,

they, would not do in their places. The House, he said, had no security at all for the due performance of that important event that was to pass through the hands of the King's Council. The Hon. Gentleman had said, Would you have the King a suppliant to Parliament? Yes; he thought Parliament the proper Judge of Kings, and that it was for their honour that they should be so. When he went to war with foreign powers, he wished the King to be a suppliant to Parliament; when he entered into subsidiary treaties, he wished him to be a suppliant; but he did not wish him to be a suppliant to his own menial servants, those who ate his bread, and received his wages. If an examination by his Majesty's physicians, when his incapacity was declared—if that were degradation, why did they make it a necessary proceeding? The Hon. and Learned Gentleman had said, if the King is well, he shall come and claim. Why then did he not?—Oh no! he must have restraint; but it should be any restraint rather than that of Parliament. Mr. Burke reasoned on the necessary steps to be taken preliminary to his Majesty's being suffered to resume his authority. The first thing to be learnt, he said, was, that the sanity should not be doubtful. Because, to produce the person of a Monarch in such weakness, might render him the tool of a faction, who would make him do what he could not undo. Had they forgot the case of

Charles the Sixth of France, who delivered all his power over to the hands of a faction, who ruined France. Charles the Sixth, previous to his visitation by that dreadful calamity, was as enterprising as any Monarch that ever sat on the throne of France, and just before it pleased God to afflict him, the French had talked of invading England; but, after that period, England invaded France. The disorder with which the Sovereign was afflicted was, he said, like a vast sea which rolled in, and, at a low tide, rolled back, and left a bold and barren shore. Mr. Burke said, he had taken pains to make himself master of the subject; he had turned over every book upon it, and had visited the dreadful mansions where those unfortunate beings were confined. At one of them, the capital hospital for such persons, he saw the goodness of the provisions, the cleanness of the house, the discipline throughout, and the wonderful order by which so many persons were governed by a few. An author of great authority, Mr. Burke said, having mentioned the uncertainty of the symptoms of sanity, had declared, that, after having been kept a month, (and the rule was, he said, at all the houses he had visited, though anxious to discharge the patients speedily, as they all were, to keep them a month after their recovery, before they turned them out of the house,) they would sometimes dread the day of their departure, and relapse.



relapse on the very last day, and the consequences that had followed were of the most fatal kind. Mr. Burke read an extract from the volume he alluded to, which stated, that some of these unfortunate individuals, after a supposed recovery, had committed parricides, others had butchered their sons, others had done violence to themselves by hanging, shooting, drowning, throwing themselves out of windows, and by a variety of other ways—

Here Mr. Burke was called to order, with no common indignation: But, no sooner had this interruption ceased, than he rose again, and, after having very finely painted the bad effects of a misapplied delicacy, he returned to the subject, and said he had read enough to give the Committee a sense of the danger of an uncertain cure; arguing, from the great disasters that had followed in private life, that it was the more necessary to take care that a sane Sovereign was put in the possession of government. He drew a picture of the King's supposed return, which he described as most happy, if really cured; but as horrible in the extreme, in its consequences, if a sudden relapse took place.

Sir *Charles Gould* declared he approved of the regulation, as he thought it favourable to the circumstance of his Majesty's being restored to his government on his recovery.

Mr.

Mr. *Sheridan* moved an amendment, which he explained to be introductory to a still farther amendment meant to be proposed afterwards, with a view to procure the object he aimed at, and those who thought as he did, viz. that Parliament ought to be the medium of restoring the government to the King on his recovery.

Mr. *Sheridan's* amendment tended to oblige the Privy Council to take care that the instrument, stating his Majesty to be recovered, that was to be sent to the Lord Mayor of London, and inserted in the London Gazette, be previously laid before Parliament.

*The Chancellor of the Exchequer* objected to the amendment; denying that his Majesty could delegate his authority while he remained within the realm. There was, he said, no power in the law of the country, by which the King could appoint a person to the royal authority; and as to the idea that his Majesty might recover, and the very first act of his Government would be to dissolve the Parliament, it was a notion too wild and extravagant for any man seriously to entertain.

*The Attorney General* said, he did not think it possible for any Gentleman to get up and alarm them with the idea, that his Majesty, on his recovery, could make a *Custos Regni*, or *Custodes Regni*, which of late years had been known by the more familiar name of Lords Justices, in  
which

which case every act is done by the King in his own person. He had, on a former day, explained, Mr. Attorney said, that the Lord Lieutenant of Ireland was, strictly speaking, a *Custos Regni*; but, if the King was to set his foot in that kingdom, the Lieutenant's power would stop instantly, and his patent be void. Nothing could be more clear, Mr. Attorney said, than that the King could not raise another royal person. A Regent, that they were then making, was a mere creature of Parliament, only recently thought of, and to be found recognized in no more than one or two modern statutes.

Mr. *Sheridan* was not satisfied, and replied.

*The Attorney General* spoke again, and again explained the nature of commissions, particularly adverting to that commission they lately saw on the Woolfack in the House of Lords.

The Committee divided on the amendment,

Ayes 113

Noes 181

There was some farther conversation between Mr Pitt, Mr. *Sheridan*, Mr. Grey, Mr. Bouverie, and others.

At length, the clauses being gone through, *the Chancellor of the Exchequer* brought up a new clause, to enable the Regent, notwithstanding the restrictions respecting patent place offices for life, pensions, &c. in case any of the Judges, through age or infirmity, should wish to resign, to grant them pensions. Another object of the



clause was, to enable Parliament, if the occasion of making a Chancellor should occur, to pass an act in this Session of Parliament to enable the Regent to grant, in that case, a reversion of some patent office, &c. to the person accepting the Seals.

Mr. *Pulteney* gave notice, that, on the third reading, he should introduce a clause by way of rider, to limit the duration of the restriction which disables the Regent from making Peers.

*The Chancellor of the Exchequer* desired the report might be received immediately, as he intended to read the bill a third time on the morrow.

The House having been resumed, the report was made; and the amendments having been twice read, and the question put on each, the bill was ordered to be engrossed.

The House adjourned immediately.

THURSDAY, *February 12.*

#### LIMITATION OF RESTRICTION OF POWER TO CREATE PEERS.

Mr. *Pulteney* rose to move that clause of which he had given notice the preceding evening, viz. a clause to limit the duration of that part of the bill which restrained the power of the Regent in regard to the increase of Peetrages. In order to explain

explain the principles on which he thought some limitation in that restriction necessary, he proceeded to call the attention of the House to the degrees of check and controul which the different branches of the Legislature had upon each other; a system wisely provided by the Constitution, in order to keep alive that proper jealousy, the constant attention to which tended so effectually to the preservation of the Constitution itself.

The Sovereign of the British empire, as head of the Three Estates, had, he observed, a variety of prerogatives and functions, independent of the Two Houses of Parliament, and essentially necessary to the conducting the legislative, as well as the carrying on of the executive government of the country; the two other Branches of the Legislature, in like manner, possessed rights, powers, and privileges, peculiar to themselves, and equally requisite for the maintenance of their independence, and the security of that independence from the encroachment of either of the other Two Estates. The Crown stood connected with both Houses of Parliament in a peculiar manner, and each House possessed powers of counteracting the Crown, to a reasonable degree, whenever the Crown should go beyond the constitutional limits of its prerogative. In that House, as they well knew, whenever they thought it necessary so to do, they could controul the

Crown in many respects, and especially by withholding the supplies, or refusing to pass the mutiny bill; but, if any improper use were made of their power, his Majesty might dissolve the Parliament, and send them back to their constituents.

Mr. Pulteney descanted on the great utility and importance of the power of the Crown to make Peers. Had not the Crown been able to exercise that power, some important acts would not have passed, and the union of Scotland could not have taken place. However opinions might have differed about the union, at the time, all men who felt for the interest of both England and Scotland, had since abundant reason to extol its wise principles, and to rejoice at its beneficial effects. The power of creating Peers, so properly lodged in the hands of the Crown, for the reward of merit, and the encouragement of virtuous emulation, in the service of the country, was a power that had always been exercised sparingly by the Princes who had sat upon our Throne. Mr. Pulteney said, he had a great opinion of the House of Commons; but he did not therefore wish, that the Crown might not have the power of dissolving Parliament.—He mentioned the historical fact of the House of Commons, which, in the reign of Charles the First, prevailed on that Monarch to pass an act that they should not be subject to dissolution; and



and declared that he did not believe either the Monarch, or the Members, had any idea, at the time, of the mischievous consequences that followed. As he wished the power of dissolving Parliament to remain in the Crown, in like manner, he never wished to see powers given to the House of Lords to resist the constitutional conduct of the Crown: they knew not what operation the power of restraining the Regent from creating Peers might have on the minds of the House of Lords. He only looked to that clause when the other House might have an interest in opposing the repeal of the bill. They would now tell them so, truly, according to their present feelings and intentions; but there was no answering for human frailty. Ambitious men, intrusted with unlimited power, might grow fonder of it in proportion to the length of time they possessed it, and at last refuse to part with it at all. Let them recollect the case of the republic of Rome, with regard to the Decemviri, who were magistrates appointed for the purpose of carrying the laws into execution for a year.—They were at first the wisest and most able citizens of the republic, and all the executive power was intrusted in their hands for twelve months.—By degrees, the time they were chosen for was increased; first one year was added, and afterwards more, till at last they had attained to such an enormous degree of absolute power, that had

it not been for the misconduct of one of them, the liberties of their country had been lost for ever. They ought, therefore, to profit by past experience, and to guard against a similar danger to their own country. He would not, by any means, advise the trusting so much out of their own hands, as to suffer the restriction on the Regent from making Peers to go out of the House in the bill, without some limitation.— On these grounds, Mr. Pulteney said he should, as a rider to the bill, propose a clause for limiting that part of the bill which imposed restrictions on the Regent with regard to the power of making Peers, and the time he meant to propose for that restriction to cease and determine was three years; not that he proposed that period under any idea that the Regency ought to continue the exercise of the Royal Authority under any restrictions, so long as three years; but, because, if unfortunately they should be disappointed in their present hopes of his Majesty's recovery, he thought three years the outside of the time that, under any circumstances, the restrictions ought to continue. Mr. Pulteney read his clause.

Mr. *Pitt* said, he had listened to the Honourable Gentleman with that degree of attention that he was always desirous to give to every suggestion that came from so respectable a quarter. If he were right in his ideas on the subject of limita-

tions of time, in respect to any of the restrictions imposed on the Regent, the danger the Honourable Gentleman wished to guard against, was more in theory, than likely to be carried into practice. That a majority of the Lords would wish to continue the resolutions, whenever it should be thought by that House proper to revise their proceedings, and alter them as the circumstances of the case might require; and that limitations ought to be fixed, was a proposition first started on debating the resolution in the Committee on the state of the nation, and it had been suggested, that they ought to fix a permanent time. He had then thought, and he continued to think, that there was no ground, and that there could be no ground for the Lords to retain that power, whenever it should be necessary to repeal it. The whole of the bill was a temporary measure, and calculated to last only during the continuance of his Majesty's illness. — They must, therefore, be at a loss what period of limitation to fix on, since they could not tell the precise period of his Majesty's illness. For this reason he felt objections to limit the powers of the Regent to any time at all. And another reason was, because, if his Majesty's illness should unfortunately continue to any length of period, so that his recovery would become a matter of doubt (a matter which, thank God, he had every day more and more reason to believe would



not be the case) a new Regency would then be to be settled, and that undoubtedly on very different principles. However, as the time taken for the limitation was three years, not, he conceived, with any view that the restriction in question, or any other imposed on the Regent, ought, under any circumstances, to continue so long, but with a view to name three years as the extremest time to which, in any possible consideration, any thing like a restriction could be supposed to be proper to extend; therefore, in a point of theory and of principle, he should have no objection to the clause.

Mr. *Powys* said, that the clause seemed to imply, that three years was, in the opinion of the House, the period that the restrictions ought to continue. For his part, he wished not to confine that restriction, with regard to the making Peers, to a limitation of time, because he thought that no restriction whatever ought to exist. But, if there must be restrictions on the Regent, he thought a limitation of three years too long a period. An earlier period than three years would enable Parliament to examine and re-consider the whole proceeding. The clause was read, and Mr. *Pulteney* moved, that the words, "Three Years," be inserted in the blank.

Mr. *Sheridan* said, he was of exactly the same opinion on the subject as his Honourable Friend, with respect to the probability of the Lords

refusing to open the door to their House, if by passing the bill, without any limitation of the duration of the restriction, in regard to the Regent's power to make Peerages, they suffered the power to pass out of their hands.

Mr. Sheridan declared, he was surprised at what the Right Honourable Gentleman had said of the idea of the improbability of the Lords ever wishing to continue the power, when they once got it into their possession. The Right Honourable Gentleman seemed to have forgot that they had gone throughout the whole of their proceedings, not on probable danger, but on possible danger; and every danger that was morally possible to happen, had been most studiously and cautiously guarded against. That such an idea as the Right Honourable Gentleman had stated was implied by Parliament, was not, Mr. Sheridan thought, to be tolerated; the Right Honourable Gentleman, and the Gentleman behind him, seemed to have adopted a principle that might be extended for seven years, as well as three; and, therefore, not chusing to lend his sanction to the principle, that the executive power ought to continue maimed and crippled by useless and harsh restrictions for three years, he should move to leave out the words, "Three Years," and that the words, "One Year," be inserted in the blank.

Mr.

Mr. *Pitt* said, the Honourable Gentleman who spoke last, seemed to have done him more justice than the Honourable Gentleman who spoke near him, because he had expressly stated, that as they could not fix the precise period of the duration of his Majesty's illness, he would agree to Three Years, a period the most extreme and distant that could be taken; but that, if his Majesty should not recover soon, the restriction ought to cease within the period proposed, and the Honourable and respectable Member, who had introduced it, had expressly stated a similar sentiment. How then could it be considered, that adopting the words, "Three Years," to fill up the blank, under the construction that had been laid down, was making Parliament declare that its opinion was, that the restrictions ought to last for Three Years? With regard to the amendment proposed, would not the Honourable Gentleman, by what he was doing, defeat his own purpose? The Honourable Gentleman had said, he moved an earlier day, that it might not appear to be the opinion of the House, that Parliament thought the restrictions ought to continue Three Years. He should think the Honourable Gentleman would serve his purpose better, by withdrawing his amendment, and letting the original motion be put. If, however, the Honourable Gentleman should persist in his amendment, the Chancellor of the Exchequer said,



said, he should certainly give that amendment his negative.

Mr. *Sheridan* said, he wished to propose an amendment in the body of the Bill. He would ask a question of the Learned Gentleman whom he saw opposite to him, the answer given to which would shew whether the amendment was necessary or not. His Majesty had a power to grant a commission for opening Parliament, and he desired to know whether the King had not power to invest those commissioners with full regal authority. He found, from the precedents with which they had been furnished, that in the case of Henry the Sixth, when the Duke of York was appointed to exercise the royal authority in Parliament, it might be done. What he wished to know then was, whether the King could do the same thing by a general commission, or whether, as in the case of Lord Hardwicke in the year 1754, he must issue a second commission to give the royal assent to any bill or bills?

*The Master of the Rolls* said, if the Hon. Gentleman meant to enquire whether the King could delegate the whole of his authority by one commission, he thought he could not do so; that was, he could not, for instance, make his Attorney General King. To make any man King by attorney, was a power that the King of England did not possess. With regard to the commissions issued in Henry the Sixth's reign, in the cases of  
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the Duke of Gloucester in the commencement, and the Duke of York in a subsequent period; in both these cases the commissions issued under the Great Seal, and were confirmed by Parliament. He then pointed out the difference of such commissions and commissions issued by the royal authority.

Mr. *Sheridan* thanked the Learned Gentleman for answering him in part, but he had reasoned rather than answered him entirely. He then proceeded to put his case again, and maintained that the commission, appointing the Duke of Gloucester to hold the Parliament and give the royal assent to bills, was a case in point; the King was then a minor, incapable of acting for himself, as our King was at present incapable, though from another cause. Was there not in the King a power, not only to issue a commission investing commissioners with authority to open Parliament, but to give the royal assent to a bill, and to exercise, in every instance, the royal authority?

*The Attorney General* said, he would answer the Hon. Gentleman in three words.—The King cannot. A kind of question and answer conversation continued for some minutes, Mr. *Sheridan* persisting that he used sound reasoning, and the Master of the Rolls and Attorney General adhering to their doctrine, that a King of England had no power to delegate his whole authority.

At

At length the conversation was put an end to from the chair, as disorderly.

#### UNIFORMITY CLAUSE.

Mr. *W. Smith* rose to move an amendment in the uniformity clause. He stated the harsh, illiberal, severe and unjust penalties to which the Protestant Dissenters, among a variety of descriptions of sects, differing from the established church, were liable by the statute of Charles the Second. The chief of these penalties, he said, were, and had long been deemed obsolete, but they had never been formally repealed; the Protestant Dissenters lay therefore at the mercy of every informer. Mr. Smith stated some of these penalties and disabilities, one of which was, that a Papist should not practice the art of an apothecary in the city of London, under a heavy penalty. He said surely such disability ought not to remain in the statute book! He mentioned several others, and at length stated his amendment, the object of which was, no more than to prevent any difficulty being placed, by the Regency Bill, in the way of the repeal of the Test Act, if application should be made for such a repeal hereafter.

It might possibly, he said, be asked, why he had not proposed the amendment in the Committee the preceding evening? He had been ready



to do it, he said, but those who would have felt it their duty to object to it, if they found it objectionable, had wished for a proper opportunity of reading the act of Uniformity, in order to see if any part of that statute would be trenched upon by the amendment. Those persons, he understood, had since read that statute, and had found that the amendment was perfectly free from objection on any such ground.

Mr. Smith moved the amendment, and Lord Belgrave seconded it.

The *Master of the Rolls* wished the amendment had been opened the preceding evening, and not moved thus, on a sudden, and at the very moment before the bill passed. It was true, he said, that there were, in the statute of Charles the Second, many severe penalties and unjust disabilities, several of which had since been repealed by the act of Toleration in favour of the Protestant Dissenters; and he thought there were others remaining that ought to be repealed; but then it ought to be done regularly, directly, and avowedly: and at a fit time he should have no objection to assist in framing a proper Bill of Repeal. He then stated, that King William took an oath, that he would preserve the establishment of the church of England, and he was called upon by the church of Scotland to give a security that their establishment also should not be touched. The whole establishment of the church was in the  
act,

act, and therefore he must object to the amendment *in toto*.

Mr. *Pitt* said, he did not think the subject required the warmth that seemed likely to be applied to it. He professed himself to be a zealous and firm friend to the established church of England, and stated that the object of the Hon. Gentleman lay in a very narrow compass. He proceeded to describe it, and to mention the general heads of the Uniformity Act. He also stated, that at the Reformation their ancestors had not quite purged their liturgies (of which there had been two or three different ones) from the superstition of the Romish Church. The offences created by the different statutes were, he said, indefinite, but the punishment was definite, and to a great extent. He mentioned several, and seemed a friend to the motion.

Mr. *Smith* said, as he perceived there was no desire in the House for a division, he should not press the motion then, especially as another means of answering the same end had been proposed.

Mr. *Alderman Newnham* said, it would shew a want of spirit in him if he did not oppose the whole Bill, excepting only that part of it which declared, that the Prince of Wales should be Regent. The Alderman said, he thought the provisions of the bill disgraceful to the honour of his Royal Highness.

Mr.

Mr. *Alderman Watson* gave his explicit approbation to the Bill itself, and to the various clauses of the Bill, because they were consistent with his conviction, and that of his constituents. He took notice of an expression which had, he said, called that distinguished class of men the merchants, traders, and bankers of London, paupers: at the time the expression was used, the Alderman said, he was in a situation which rendered it impossible for him to take notice of it without violating the forms and orders of the House, in the chair of the Committee. The Alderman took notice, also, of another expression which had fallen from Honourable Gentleman who had just left his place, (Mr. Powys). That Hon. Gentleman would not have dared to have said those words had he been at liberty to have answered him. He did not chuse to call for the protection of the House at the time, because he was conscious he could protect himself. The Hon. Gentleman had said, that he must submit to the *commands* of the Right Honourable Gentleman:—*commands!*—He despised the insinuation;—he had voted with the Right Hon. Gentleman from conviction.

Mr. *Sheridan* said, the worthy Alderman had inverted the old rule, and had proceeded to panegyricize the present and traduce the absent. He defended his two Hon. Friends from the worthy Magistrate's charges, both of which, he said, were founded in misapprehension.

Colonel



Colonel *Phipps* said, there needed not all the wisdom and knowledge to be gleaned from the learned dialogue that the House had heard between Doctor and Student, to furnish an answer to the Honourable Gentleman's clause; he could not give him a reason why his clause ought not to stand in three words, but he believed he could do it in a very few sentences. The Colonel said, in the first place, no clause could possibly be received contrary to the general purview of a Bill, as expressed in the preamble: if the Hon. Gentleman would look to the preamble, he would not find a single word about placing restrictions on his Majesty's exercise of his royal authority, when he had undoubted right to exercise it.

The question was then put on Mr. Sheridan's clause, and negatived.

A few words passed afterwards between Mr. Brandling and Mr. Grey; and after a short speech from Sir Charles Gould, the Bill passed, and was ordered to be carried up to the Lords.

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An Act to provide for the Care of his Majesty's Royal Person, and for the Administration of the Royal Authority, during the Continuance of his Majesty's Illness.

**W**HEREAS, by reason of the severe indisposition with which it hath pleased God to afflict the King's most Excellent Majesty, the personal exercise of the Royal Authority by his Majesty is for the present so far interrupted, that it becomes necessary to make provision for assisting his Majesty in the administration and exercise of the royal authority, during the continuance of his Majesty's indisposition, in such manner, and to such extent, as the present circumstances, and the urgent concerns of the nation, require; *be it therefore enacted*, by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That his Royal Highness George Augustus Frederick, Prince of Wales, shall have full power and authority, in the name and on the behalf of his Majesty, and under the style and title of Regent of this kingdom, to exercise and administer, according to the laws and constitution of Great Britain, the royal power and authority to the

“ crown

crown of Great Britain belonging, and to use, execute, and perform all authorities, prerogatives, acts of government, and administration of the same, which lawfully belong to the King of this realm to use, execute, and perform, subject to such limitations, exceptions, regulations, and restrictions, as are hereinafter specified and contained.

*And be it also enacted* by the authority aforesaid, That no acts of regal power, prerogative, government, or administration of government, of what kind or nature soever, which might lawfully be done or executed by the King's most Excellent Majesty, personally exercising his royal authority, shall, during the continuance of the Regency by this act established, be valid and effectual, unless done and executed in the name and on the behalf of his Majesty, by the authority of the said Regent, according to the provisions of this act, and subject to the limitations, exceptions, regulations, and restrictions herein contained.

*And be it further enacted* by the authority aforesaid, That the said Regent, before he shall act, or enter upon his said office of Regent, shall take the following oath of office :

“ **I** Do solemnly promise and swear, That I will truly  
 “ and faithfully execute the office of Regent of the  
 “ kingdom of Great-Britain, according to an act of  
 “ Parliament passed in the twenty-ninth year of the  
 “ reign of his Majesty King George the Third, intituled, *An act to provide for the care of his Majesty's royal person, and for the administration of the royal authority, during the continuance of his Majesty's illness;*  
 “ and that I will administer, according to law, the  
 “ power and authority vested in me by virtue of the  
 “ said act, and will, in all things, to the utmost of my  
 “ power and ability, consult and maintain the safety,  
 “ honour,



“ honour, and dignity of his Majesty, and the welfare  
 “ of his people. “ So help me GOD.”

Which oath shall be taken before his Majesty’s most honourable Privy Council, who are hereby required and impowered to administer the same, and to enter the same in the books of the said Privy Council.

*And be it further enacted* by the authority aforesaid, That the said Regent shall be deemed and taken to be a person having and executing an office and place of trust within England, and shall take and subscribe such oaths, and make and subscribe such declaration, and do all such acts as are required by the laws and statutes of this kingdom to qualify persons to hold offices and places of trust, and to continue in the same, in such manner as in and by the said laws and statutes are required, and under such pains, penalties, forfeitures, and disabilities, as are therein and thereby appointed and ordained.

*And be it also enacted* by the authority aforesaid, That it shall be lawful for the said Regent to take and subscribe such oaths, and make and subscribe such declaration, in and before his Majesty’s most honourable Privy Council; and that the certificate of his having received the Sacrament of the Lord’s Supper in any of the royal chapels, signed by the person administering the same, shall be registered in the books of the said most honourable Privy Council; and that such taking and subscribing the said oaths, and making and subscribing the said declaration, and taking the Sacrament of the Lord’s Supper as aforesaid, shall be, to all intents and purposes, as effectual as if the same had been respectively taken, made, and subscribed in the manner now required by law for the qualification of persons to hold offices and places of trust, and to continue in the same.

*And*

*And be it enacted* by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to impower the said Regent, in the name and on the behalf of his Majesty, to give the royal assent to any bill or bills in Parliament, for repealing, changing, or in any respect varying the order and course of succession to the Crown of this Realm, as the same stands now established in the illustrious House of Hanover, by an act passed in the twelfth year of the reign of King William the Third, intituled, “An act for the further limitation of the Crown, and better securing the rights and liberties of the subject;” or to any act for repealing or altering the act, made in the thirteenth year of the reign of King Charles the Second, intituled, “An act for the uniformity of publick prayers and administration of sacraments, and other rites and ceremonies, and for establishing the form of making, ordaining, and consecrating Bishops, Priests, and Deacons, in the church of England;” or the act of the fifth year of the reign of Queen Anne, made in Scotland, intituled, “An act for securing the Protestant religion, and Presbyterian church government.”

*Provided also, and be it enacted* by the authority aforesaid, That if his said Royal Highness George Augustus Frederick, Prince of Wales, shall not continue to be resident in Great-Britain, or shall at any time marry a papist, then, and in either of such cases, all the powers and authorities vested in his said Royal Highness, by virtue of this act, shall cease and determine.

*Provided always, and be it enacted* by the authority aforesaid, That his Royal Highness shall not have or exercise any power or authority to grant, in the name and on the behalf of his Majesty, any rank, title, or dignity of the Peerage of this realm, by letters patent, writ of summons, or in any other manner whatever, or

to summon any person to the House of Lords by any title to which such person shall be the heir apparent, or to appoint any such rank, title, or dignity, which now is, or hereafter shall be, in abeyance to any of the co-heirs thereof.

*Provided nevertheless, and be it enacted,* That it shall be lawful for his said Royal Highness to grant, in the name and on the behalf of his Majesty, any rank, title, or dignity of the Peerage of this realm to such of his Majesty's Royal issue as shall have attained the full age of twenty-one years.

*Provided also, and be it further enacted* by the authority aforesaid, That the said Regent shall not have power or authority to grant, in the name and on the behalf of his Majesty, any office or employment whatever in reversion, or to grant for any longer term than during his Majesty's pleasure, any office, employment, salary, or pension whatever : save only that it shall be lawful for the Regent to grant, in the name and on the behalf of his Majesty, all such offices and employments in possession for the term of the natural life, or during the good behaviour, of the grantee or grantees thereof respectively, as by law must be so granted.

*And be it further enacted* by the authority aforesaid, That the said Regent shall not have power, in the name and on the behalf of his Majesty, to make any gift, grant, alienation, lease, or other assurance, to any person or persons, body politic or corporate, whatever, under the Great Seal of Great Britain, Exchequer Seal, Seals of the duchy or county palatine of Lancaster, or any of them, or by copy of court roll, or otherwise, of any manors, messuages, lands, tenements, rents, tythes, woods, or other hereditaments, now belonging, or hereafter to belong, to his Majesty, or to any per-



son or persons in trust for his Majesty, in possession, reversion, remainder, use, or expectancy, whether the same be, or shall be, in right of the crown of Great Britain, or as part of the principality of Wales, or of the duchy or county palatine of Lancaster, or otherwise howsoever, whereby any estate or interest whatsoever, in law or equity, shall or may pass from his Majesty; but that every such gift, grant, alienation, lease, or other assurance, shall be null and void, without any inquisition, *scire facias*, or other proceeding, to determine and make void the same, unless such grant, lease, or assurance, shall be made of such lands, tenements, and hereditaments, and none other, as have been usually demised within the space of ten years last past, or shall be made for the renewing of any grant, lease, or other assurance, now subsisting, of the lands, tenements, or hereditaments aforesaid, according to the several provisions, regulations, and restrictions of an act passed in the year of the reign of Queen Anne, intituled, “ An Act for the better support of her Majesty’s Household, and of the Honour and Dignity of the Crown :” Provided always, that this act, or any thing herein contained, shall not extend to disable the said Regent to make any grant or restitution of any estate or estates hereafter to be forfeited for any treason or felony whatever; or to disable the said Regent to grant, demise, or assign any lands, tenements, or hereditaments, which shall be seized or taken into his Majesty’s hands upon any outlawry, at the suit of his Majesty or his subjects, in such manner as hath been usual; or any estate whatever, which is or shall be seized, extended, or taken in execution, for any debt owing or to be due to the Crown, as the said Regent on the behalf of his Majesty shall think fit; or to make any

grants or admittances, which of right or custom ought to be made, of any copyhold or customary lands, tenements, or hereditaments, parcel of any manor or manors of his Majesty.

*And be it also enacted* by the authority aforesaid, That the said Regent shall not have power to grant or alienate any part of the personal estate to his Majesty belonging, but that every such grant or alienation shall be void and of none effect: *Provided always*, That this act, or any thing therein contained, shall not extend to disable the said Regent from exercising, in the name and on the behalf of his Majesty, all and every the rights, privileges, powers, and prerogatives, over the small branches of his Majesty's hereditary revenue herein after mentioned: that is to say, The monies arising by fines for writs of covenant, or writs of entry, payable in the Alienation Office; the monies arising by the post fines; the monies arising by sheriffs proffers and compositions in the Exchequer, and seizures of prohibited and uncustomed goods, in like manner as the same are reserved to his Majesty, by virtue of an act made and passed in the first year of his Majesty's reign, intituled, "An act for the support of his Majesty's Household, and of the honour and dignity of the Crown of Great-Britain;" or to disable the said Regent from remitting, mitigating, or pardoning, in the name and on the behalf of his Majesty, any penalty or forfeiture incurred, or to be incurred, of any sum or sums of money become, or which shall become, due or forfeited to his Majesty, which by law may be remitted, mitigated, or pardoned: *Provided also*, that this act, or any thing therein contained, shall not disable the said Regent from issuing and applying all such monies as now are or shall be applicable to the civil government of the realm, by virtue of  
of

of any act or acts of Parliament made or to be made.

*And be it enacted* by the authority aforesaid, That the several letters patent, letters of privy seal, and all other lawful authorities, of what nature or kind soever, which have been granted or issued by his Majesty, by virtue whereof any payments of any sum or sums of money are directed to be made out of the monies applicable to the use of his Majesty's civil government, for the use of the Queen's most Excellent Majesty, or for the use of any of the branches of his Majesty's royal family, shall continue to be, and the same are hereby enacted to continue to be of full force and effect respectively, during the continuance of the Regency by this act established; and that warrants shall be issued by the Lord High Treasurer, or Lords Commissioners of the Treasury, for the payment of the several sums therein respectively contained; which warrants the said Lord High Treasurer, or Lords Commissioners of the Treasury, are hereby respectively required to issue at the usual and accustomed times, and in the usual and accustomed manner.

*And be it further enacted* by the authority aforesaid, That the Lord High Treasurer, or the Lords Commissioners of the Treasury, shall from time to time direct so much of the monies of the Civil List revenues to be issued at the receipt of the Exchequer, as shall be sufficient to pay the whole of the expences incurred in each quarter, and the several departments of his Majesty's household, in the same order, and in like manner as is directed by an act made in the twenty-second year of his Majesty's reign, intituled, "An act for enabling his Majesty to discharge the debt contracted upon his Civil List revenues, and for preventing the same from being in arrear

for



for the future, by regulating the mode of payments out of the said revenues, and by suppressing or regulating certain offices therein mentioned, which are now paid out of the revenues of the Civil List ;” provided that the whole amount of such expences, at the end of each quarter, shall not exceed by more than three thousand pounds the amount of the expences of the said departments at the end of the corresponding quarter, in the year one thousand seven hundred and eighty-eight, and that the whole of the expence of any one year, from the fifth day of January to the fifth day of January in the succeeding year, shall not exceed the whole expence of the said departments in the year ending on the fifth day of January, one thousand seven hundred and eighty-nine.

*Provided always, and be it enacted* by the authority aforesaid, That it shall and may be lawful for the said Regent, in the name and on the behalf of his Majesty, to make any such grant or grants of, or charge or charges upon, the several and respective duties and revenues which are payable to his Majesty in that part of Great Britain called Scotland, as his Majesty can now lawfully make of such duties and revenues ; save and except, that it shall not be lawful for the said Regent to make any grant or grants thereof, or charge or charges thereupon, in the name and on the behalf of his Majesty, for any longer time or term than during the pleasure of his Majesty.

*And be it further enacted* by the authority aforesaid, That the Lord High Treasurer, or Lords Commissioners of the Treasury, shall direct, and they are hereby required annually to direct, on or before the 27th day of April, the sum of sixty thousand pounds to be issued out of the monies of the Civil List revenue, to  
the

the keeper of his Majesty's privy purse for the time being; and that the said keeper of his Majesty's privy purse shall be, and he is hereby authorised and directed, during the continuance of the Regency by this act established, to issue and apply the sum of twelve thousand pounds in the year, in such yearly, half-yearly, or quarterly payments, to such persons, and in such manner, as he has issued and applied the same by the authority and direction of his Majesty; and that he shall pay, and he is hereby authorised and directed to pay, the sum of one thousand pounds at the expiration of each and every quarter, to such persons as her most Excellent Majesty the Queen shall, by an instrument signed and sealed by her Majesty, authorise and direct to receive the same, to be by her Majesty's direction applied in such gifts, charities, and allowances, as her Majesty may judge the same would have been applied to by his Majesty, and that the remainder of the aforesaid sum shall be invested by the said keeper of his Majesty's privy purse in some of the public funds or government securities, in the name of the keeper of his Majesty's privy purse for the time being, in trust for his Majesty; and that the net surplus of the revenues of the duchy and county palatine of Lancaster shall be from time to time paid, under the order of the chancellor and council of the said duchy, into the hands of the keeper of his Majesty's privy purse, whose receipt shall be a sufficient discharge for the same, and shall by him be invested in some of the public funds or government securities, in manner aforesaid; and that the governor and company of the Bank of England shall place the said several sums on an account to be raised in the books of the said governor and company, intituled, "The Account of the Keeper of his Majesty's Privy Purse;" and that upon the death,

death, resignation, or removal of the present and every other keeper of his Majesty's privy purse, hereafter to be appointed, all and every the said stock or stocks, and sum or sums of money arising from the dividends which shall accrue thereon, shall immediately vest in the successor of the present or any future keeper of his Majesty's privy purse respectively; and the keeper of his Majesty's privy purse for the time being, is hereby required to lay out and invest the dividends, so accruing as aforesaid, from time to time, in the purchase of other stocks and securities on the like account; and that the keeper of his Majesty's privy purse for the time being shall, from time to time, execute declarations of trust of all such funds and securities, declaring that the same are held in trust for his Majesty, by instruments to be executed under his hand and seal, to be deposited with her Majesty.

*Provided always, and be it enacted* by the authority aforesaid, that the said keeper of his Majesty's privy purse shall, on or before the twenty-seventh day of April one thousand seven hundred and ninety, and on or before the twenty-seventh day of April in every succeeding year during the continuance of this act, take an oath before the Barons of the Exchequer, or one of them, in the form following:

“ I *A. B.* do swear, That, according to the best of  
 “ my knowledge, belief or information, no part of  
 “ the money which has been issued to me for the ser-  
 “ vice of his Majesty's privy purse, by virtue of an act,  
 “ intituled, *An act to provide for the care of his Majesty's*  
 “ *royal person, and for the administration of the royal*  
 “ *authority, during the continuance of his Majesty's ill-*  
 “ *ness, between the* day of  
 “ and



“ and the                      day of                      has been  
 “ applied, directly or indirectly, for the benefit, use,  
 “ or behoof, of any member of the House of Commons,  
 “ or, so far as I am concerned, applicable, directly or  
 “ indirectly, to the purpose of supporting or procuring  
 “ an interest in any place returning members to Par-  
 “ liament.

“ So help me GOD.”

*And whereas* it is necessary that proper provision should be made for the care of his Majesty's royal person, during the continuance of his illness, and for the direction and government of his Majesty's household, in such manner as the circumstances of the case at present appear to require; *be it therefore enacted* by the authority aforesaid, That the care of his Majesty's royal person, during the continuance of his said illness, and the disposing, ordering, and managing of all matters and things relating thereto, and also the direction and government of his Majesty's household, shall be, and the same are hereby vested in the Queen's most Excellent Majesty; and that her said Majesty shall have the full and sole power and authority, by an instrument in writing, signed and sealed by her Majesty, to nominate, appoint, or remove, the Lord Steward of his Majesty's Household, the Lord Chamberlain of his Majesty's Household, the Master of the Horse to his Majesty, and the Master of the Robes, and Keeper of his Majesty's Privy Purse, the Groom of the Stole, the Gentlemen and Grooms of his Majesty's Bedchamber, and the several officers in the respective departments aforesaid, whose appointment, nomination, or removal have been heretofore made by his Majesty; and that the nomination and appointment of her Majesty, in the  
 manner

manner and form aforesaid, shall be valid and effectual, to all intents and purposes, as if the same had been made or done by his Majesty in the accustomed manner; and that the several persons so appointed shall be entitled to the like precedence, privileges, salaries, wages, profits, and all other emoluments, as the several persons now holding and enjoying the said offices are respectively entitled to.

*And whereas* the execution of the weighty and arduous trusts hereby committed to the Queen's most Excellent Majesty, in respect of the care of his Majesty's royal person, and of the disposing, ordering, and managing of all matters and things relating thereto, may require the assistance of a Council, with whom her Majesty may consult and advise in the discharge of the same; *be it therefore enacted* by the authority aforesaid, That in order to assist and advise her said most Excellent Majesty in the several matters aforesaid, there shall be, during the continuance of his Majesty's illness, a Council, consisting of John Lord Archbishop of Canterbury, Edward Lord Thurlow, William Lord Archbishop of York, Lloyd Lord Kenyon; the Lord Steward of his Majesty's Household for the time being; the Lord Chamberlain of his Majesty's Household for the time being; the Master of the Horse to his Majesty for the time being; and the First Gentleman of the Bedchamber and Groom of the Stole to his Majesty for the time being; which Council shall, from time to time, meet as her Majesty shall be pleased to direct; and if it should happen that any of them the said John Lord Archbishop of Canterbury, Edward Lord Thurlow, William Lord Archbishop of York, and Lloyd Lord Kenyon, should depart this life, then, and in such case, it shall be lawful for the Queen's most  
Excellent

Excellent Majesty, by an instrument in writing, signed and sealed by her Majesty, revokable at her will and pleasure, to nominate and appoint some One person, being or having been a member of his Majesty's most honourable Privy Council, to be a member of the said Council, to advise and assist her Majesty as aforesaid, in the room and place of each and every of the said Councillors so departing this life; which nomination and appointment shall be forthwith certified by an instrument in writing, signed and sealed by her Majesty, to the Lords of his Majesty's most honourable Privy Council, and shall be entered in the books thereof.

*And be it further enacted* by the authority aforesaid, That each and every such Councillor shall, within the space of one month after his appointment by virtue of this act, or by virtue of her Majesty's nomination and appointment, in manner aforesaid, take the following oath before his Majesty's most honourable Privy Council; who are hereby required and impowered to administer the same, and to enter the same in the books of the said Privy Council:

“ **I** *A. B.* do solemnly promise and swear, That I will  
 “ truly and faithfully counsel and advise the Queen's  
 “ most Excellent Majesty, according to the best of my  
 “ judgment, in all matters touching the care of his  
 “ Majesty's royal person, and the disposing, ordering,  
 “ and managing all things relating thereto.

“ So help me GOD.”

*And be it further enacted* by the authority aforesaid, That the said Council, or any three or more of them, shall have power and authority at all times, when they shall judge it necessary, to call before them, and to ex-  
 amine



amine upon oath, the physicians, and all other persons attendant on his Majesty during the continuance of his illness, touching the state of his Majesty's health, and all matters relating thereto; which oath any member of the said Council is hereby authorized and impowered to administer.

*And be it further enacted* by the authority aforesaid, That if any person, being a member of the House of Commons, shall accept of any office of profit from the Crown, by the nomination and appointment of her Majesty the Queen, by virtue of this act, or by the said Regent, in the name and on behalf of his Majesty, during the continuance of the Regency hereby established, his election shall be, and is hereby declared to be void, and a new writ shall issue for a new election in such and the like manner as if such person had been appointed to such office by his Majesty.

*And be it further enacted* by the authority aforesaid, That if her Majesty the Queen shall depart this life during the time that the care of his Majesty's royal person shall be committed to her Majesty, according to the provisions of this act, the said Regent shall forthwith order and direct a proclamation, under the Great Seal of Great Britain, to be issued and published, declaring the same; and, in case the Parliament then in being shall then be separated by any adjournment or prorogation, directing that the said Parliament shall forthwith meet and sit; or, if there shall be no Parliament in being, then, and in such case, directing that the members of the last preceding Parliament shall forthwith meet and sit.

*And be it enacted*, That the said members, so meeting and sitting, shall be deemed and taken to be the Two Houses of Parliament, to all intents and purposes,

as if the former Parliament had not been dissolved ; but that they shall not continue to sit as the said Two Houses, or be deemed and taken as such, for any longer time than six months after the day on which they shall so meet, and that they shall be subject to be sooner prorogued or dissolved.

*And be it also enacted* by the authority aforesaid, That until due provision shall in such case have been made by Parliament for the care of his Majesty's royal person, all and every the powers and authorities in and by this act vested in her Majesty, touching the care of his Majesty's royal person, and the disposing, ordering, and managing of all matters and things relating thereto, shall be, and the same are hereby vested in the Council in and by this act appointed to assist and advise her Majesty in the execution of the trusts to her said Majesty committed by virtue of this act : Provided nevertheless, that in such case nothing in this act contained shall extend, or be construed to extend, to empower the said Regent, or the said Council, to nominate, appoint, or remove any of the several officers of his Majesty's household herein mentioned, until due provision shall have been made by Parliament in that behalf.

*And be it further enacted* by the authority aforesaid, That if his Royal Highness George Augustus Frederick, Prince of Wales, shall depart this life during the continuance of the Regency by this act established, the Lords of His Majesty's Most Honourable Privy Council shall forthwith cause a proclamation to be issued in his Majesty's name, under the Great Seal of Great Britain, declaring the same ; and, in case the Parliament then in being, shall then be separated by any adjournment or prorogation, directing that the said

Parliament shall forthwith meet and sit ; or, if there shall be no Parliament in being, then, and in such case, directing that the members of the last preceding Parliament shall forthwith meet and sit.

*And be it enacted*, That the said members so meeting and sitting, shall be deemed and taken to be the Two Houses of Parliament, to all intents and purposes, as if the former Parliament had not been dissolved ; but that they shall not continue to sit as the said Two Houses, or be deemed or taken as such, for any longer time than six months after the day on which they shall so meet.

*And be it further enacted* by the authority aforesaid, That when it shall appear to her Majesty the Queen, and to five of the Council appointed by this act to assist her Majesty in the execution of the trust committed to her Majesty by this act, that his Majesty is restored to such a state of health as to be capable of resuming the personal exercise of the royal authority, it shall and may be lawful for her said Majesty, by the advice of five of her said Council, to notify the same by an instrument under her Majesty's hand, and signed also by the said five of her Majesty's said Council, and addressed to the Lord President of his Majesty's Most Honourable Privy Council for the time being, or, in his absence, to one of his Majesty's Principal Secretaries of State ; and the said Lord President, or Secretary of State, shall, and is hereby required, on the receipt thereof, to communicate the same to the said Regent, and to summon forthwith a Privy Council ; and the members of his Majesty's most honourable Privy Council are hereby required to assemble in consequence of such summons ; and the said Lord President, or, in his absence, the said Secretary of State, is required, in the presence of any six or



more Privy Counsellors so assembled, to cause the said instrument to be entered on the books of the said Privy Council, and immediately thereafter to send a copy of such instrument to the Lord Mayor of the city of London, and likewise to cause the same to be printed in the London Gazette.

*And be it further enacted* by the authority aforesaid, That if at any time after the said instrument under the hand of her Majesty, and of five of her said Council, shall have been received and entered as aforesaid, his Majesty shall think proper, by an instrument under his sign manual, to require the Lord President of his Majesty's most honourable Privy Council for the time being, or, in his absence, one of his Majesty's principal Secretaries of State, to summon a Council in his Majesty's presence, consisting of any number of persons, not less than nine, whom his Majesty shall name, not being members of the Council appointed by this act to assist her Majesty, and who shall be, or shall have been, members of his Majesty's most honourable Privy Council, the said Lord President, or Secretary of State, shall, and he is hereby required to summon such persons accordingly, and as well the said Lord President, or Secretary of State, as the other persons so summoned, shall, and they are hereby required to attend at the time and place appointed by his Majesty, and such persons so assembled shall be, and be deemed to be, a Privy Council for the purpose herein after mentioned.

*And be it further enacted* by the authority aforesaid, That if his Majesty, by the advice of six of such Privy Council so assembled, shall signify his royal pleasure to resume the personal exercise of his royal authority, and to issue a proclamation declaring the same, such pro-

clamation shall be issued accordingly, countersigned by the said six of the said Privy Council; and all the powers and authorities given by this act shall from thenceforth cease and determine, and the personal exercise of the royal authority by his Majesty shall be, and be deemed to be, resumed by his Majesty, and shall be exercised by his Majesty, to all intents and purposes, as if this act had never been made.

*And be it further enacted* by the authority aforesaid, That if the Parliament in being at the time of the issuing such proclamation as aforesaid, shall then be separated by adjournment or prorogation, the said Parliament shall forthwith meet and sit; and if there shall be no Parliament in being at the time of issuing such proclamation as aforesaid, then, and in such case, the members of the last preceding Parliament shall forthwith meet and sit.

*And be it enacted*, That the said members so meeting and sitting, shall be deemed and taken to be the Two Houses of Parliament, to all intents and purposes, as if the former Parliament had never been dissolved; but that they shall not continue to sit as the said Two Houses, or be deemed and taken as such, for any longer time than six months after the day on which they shall so meet, and that they shall be subject to be sooner prorogued or dissolved.

*Provided always, and be it enacted*, That so much of this act as provides that the said Regent shall not have power and authority to grant, in the name and on the behalf of his Majesty, any office or employment whatever in reversion, or to grant for any longer term than during his Majesty's pleasure, any office, employment, salary, or pension whatever, may be varied or repealed by any act or acts to be made for that purpose in this  
present

present session of Parliament, in so far only as relates to the granting of any office, employment, salary, or pension, to any person appointed to the office of Lord High Chancellor of Great Britain; or to any person retiring on account of age or infirmity from the office of Chief Justice or Justice of the courts of King's Bench or Common Pleas, or Chief Baron or Baron of the court of Exchequer at Westminster.

*Provided also nevertheless, and be it enacted,* That the said limitation of the power of the said Regent, with respect to the granting, in the name and on the behalf of his Majesty, any rank, title, or dignity of the peerage of this realm, shall continue and be in force for and during the space of three years from the commencement of this act, and no longer.

*And be it enacted* by the authority aforesaid, That this act, and the several powers and authorities to be exercised by virtue of the same, shall commence and take effect from and after the eighteenth day of February one thousand seven hundred and eighty-nine.



FRIDAY, *February 20.*

Mr. *Pitt* moved, “ That the House adjourn to Tuesday next.”

Before the Speaker had finished putting the question,

Mr. *Vyner* rose and said, he guessed at the reason for so singular a step, and if he was right in his conjecture, the reason was a most joyous one to that House, and the country in general :— but he could not help wishing that they might have the satisfaction of hearing the reason stated by such high authority as the Right Hon. Gentleman ; in order that they might be enabled to communicate it to their constituents with confidence and certainty.

No answer being given, the question was put, and the House adjourned accordingly.

After subsequent adjournments, the House met on

THURSDAY, *March 5.*

When Mr. *Pitt* said, the present happy situation of his Majesty’s health, enabled him to acquaint the House, that he hoped to have the satisfaction of making a communication to them immediately from his Majesty, on Tuesday next. He therefore moved, “ that the House, at its rising,

rising, do adjourn to Tuesday.”—Agreed to  
*Nem. Con.*

TUESDAY, *March 10.*

The Gentleman Usher of the Black Rod, with the usual ceremonies, delivered a message from the Lords, desiring the attendance of the Commons in the House of Lords. When they returned, the Speaker reported, that the House had been to hear a commission from his Majesty, appointing certain Lords therein named, to communicate certain matters and reasons for holding the present Session of Parliament; and that, to prevent mistakes, he had obtained a copy of the speech delivered by the Lord Chancellor, as one of the said Commissioners, which, with the leave of the House, he would read. When this was done,

Lord *Gower* rose, to move an address. For five months, he said, a melancholy interregnum had taken place, during which the State had been like a vessel tossed at sea, and dismasted; but, the rudder remaining unimpaired, had at length been fortunately steered into port. Our most gracious Sovereign was now most happily restored to the ardent prayers and wishes of a loyal and grateful people; he should therefore conclude with moving, that an humble address be presented to his Majesty, which he then read.

Mr. *York* seconded the motion, and said, that the joy he then felt, in common with his fellow citizens, inspired him with a confidence, which he should not have otherwise possessed, of addressing the House. He then adverted to his Majesty's Speech, and after paying several handsome compliments to the Minister, he concluded with hoping, that there would be no objection to any part of the Address.

Mr. *Fox* said, he saw nothing either in the Speech or the Address which could create any difference of opinion. On the contrary, he found every thing in it worthy of commendation.

The Address was agreed to *Nem. Con.*

The Marquis of *Grakam* then moved a congratulatory Address to the Queen, whose conduct had been the admiration of all Europe.—This motion was seconded by Mr. Hamilton.

Mr. *Fox* said, he did not mean to object to the motion of the noble Lord, but he believed it was a very unusual circumstance; and he did not see on what principle an address of congratulation to the Queen could be brought forward, without a similar address to the Prince of Wales. If the conduct of her Majesty had been the admiration of Europe, the conduct of the Prince of Wales, who stood in as arduous a situation, had been equally so; and from it, the lustre of his character had received a very considerable addition.

Mr.



Mr. *Pitt* said, there were several precedents on their journals of congratulatory addresses to the Queen, and instanced the case of an address to Queen Anne, on the recovery of the Prince of Denmark. The Address to her Majesty was agreed to.

*The humble ADDRESS of the HOUSE of COMMONS  
to the KING.*

“ *Most gracious Sovereign,*

“ WE your Majesty’s most dutiful and loyal subjects, the Commons of Great Britain, in Parliament assembled, beg leave to return your Majesty our humble thanks for the Speech which has been delivered by your Majesty’s command to both Houses of Parliament; and to congratulate your Majesty on the happy event of your Majesty’s recovery from your late indisposition, and on your being enabled to attend to the public affairs of your Kingdoms.

“ We acknowledge, with the most heartfelt joy and gratitude, the goodness of Almighty God in restoring your Majesty to the wishes and prayers of your faithful subjects; and earnestly hope that your Majesty may long continue to rule over an affectionate and grateful people.

“ Permit us to lay before your Majesty our dutiful acknowledgements of the favourable sense which your Majesty entertains of our affectionate attachment to your Majesty’s person, and of our  
concern

concern for the honor and interest of your Crown, and the security and good government of your dominions.

“ It will be our constant endeavour to merit your Majesty’s good opinion, by labouring to promote the happiness of your people; and we will apply ourselves, with as little delay as possible, to the different objects of national concern which require our attention.

“ We beseech your Majesty to accept our humble thanks for being graciously pleased to order a copy of the treaty of defensive alliance between your Majesty and the King of Prussia to be laid before us, and to be assured that we are deeply sensible of your Majesty’s just regard to the interests of your subjects, and the peace of Europe, in your endeavours to prevent the extension of hostilities in the North, and your desire to effect a general pacification. We learn, with great satisfaction, that your Majesty continues to receive assurances of the favourable disposition of the other courts of Europe towards this country.

“ We shall not fail to proceed, with cheerfulness and dispatch, to make the necessary provisions for the several branches of the public service;

“ We should be wanting to ourselves, and to those whom we represent, if we did not testify, in the warmest manner, the gratitude with which we observe the paternal expression of your Majesty’s

jeſty's regard for the happineſs of your people, whoſe invariable ſentiments of zeal, loyalty, and attachment to your Maſteſty, are animated and confirmed by the uniform experience of your Maſteſty's virtues, and by the ſenſe of the bleſſings which they enjoy under your Maſteſty's auſpicious government."

The Earl of *Courtoun* reported to the Houſe, that his Maſteſty having been attended with their Addreſs of Wednesday laſt, was pleaſed to receive the ſame very graciously, and to give the following Answer :

" *Gentlemen,*

" I thank you moſt cordially, for this loyal and dutiful Addreſs. Your warm expreſſions of congratulation, and the ſignal proofs which I have repeatedly received, of the ſincere and affectionate attachment of my faithful Commons, and of the nation at large, have made an impreſſion on my mind, which no time will ever efface."



DEBATES *in the* HOUSE of LORDS,  
*on the Subject of a* REGENCY.

THURSDAY, November 20, 1788.

AS soon as their Lordships had assembled,

*The Lord Chancellor* came forward and said, that their Lordships had been called unusually together, in consequence of the last commission for the prorogation of Parliament having expired: his Lordship added, that holding the office which he did, it would have been his duty to have received his Majesty's directions respecting a further prorogation; but the reason of the omission was, the severity of the disorder under which his Majesty unfortunately labours, had rendered it impossible for him to approach his royal person, to receive those commands.

*Earl Camden* rose next, and spoke to the propriety of the day on which it would be proper to adjourn the House. He observed, that it had been usual to give forty days notice, but that the necessity of the times had often made it necessary to limit the period, and confine the notice to a much shorter duration: his Lordship instanced cases of rebellion, invasion, &c. as the circumstances

circumstances and situations of the country to which he referred ; and having drawn a distinction with regard to the present case, concluded with moving to resolve,

*First.* “ That this House do, at the rising thereof, adjourn to this day fortnight.”

*Second.* “ That the Lord Chancellor be directed to write to each and every Lord of that House, desiring their attendance on that day.”

*The Lord Chancellor* then put the questions separately, which were agreed to *nemine dissentiente*, and the House then adjourned to Thursday the fourth day of December.

#### THURSDAY, *December 4.*

The House met according to adjournment ; and as soon as prayers were over,

*The Lord Chancellor* informed the House, that in obedience to their commands, he had sent letters to every Peer, earnestly requesting their attendance that day ; and that he had received letters in answer from such Lords as were then absent, stating that their absence was caused by illness, and that they hoped for their Lordships indulgence, on not seeing them that day in their places.

*The Lord President of the Council* then rose, and lamented that their Lordships had again been obliged

obliged to assemble, without hearing a speech from the Throne; a circumstance occasioned by the continued infirmity of his Majesty, which still rendered him incapable of meeting his Parliament, or attending to any public business whatever: by the absence and incapacity of the King, the Earl observed, that the Legislature was defective and incomplete, whence all the functions of the executive government were actually suspended; that it was impossible for the country to remain in that condition; and that in the maimed and dismembered state of the Legislature, it devolved on the two Houses of Parliament to make some provision to supply that deficiency, and such a provision as should be competent to the necessity of the case: but before the two branches of the Legislature took any one step on a subject of so truly delicate and important a nature, the necessity of the case must be proved. With that view, therefore, and with that view only, the Lords of the Council had called the five Physicians who attended his Majesty during his illness, before the Board, and had severally examined them on oath as to the state of the King's health, and their opinion of the duration of his malady, and the probability of recovery. This, although the Lords of the Council had, as it were, lost the spring and motion of most of their consultations and functions, he conceived the Board might legally do, as the precedents of their proceedings,



proceedings, under former similar situations of the country, sufficiently evinced. It had not, he said, been deemed wise or proper, that every question that of a sudden might start into the head of any individual Lord of the Council, should be put to the physicians, and therefore it had been settled what questions should be put to them, and by whom, previous to their having been called into the Board-room, and a minute of the whole examinations had been taken down at the time. With the leave of their Lordships, he would present a copy of the minute of the questions that had been put to the physicians, and their answers, from which their Lordships would know authentically what was the state of his Majesty's health, and the opinion of his physicians, as to the probability of his recovery.

The question having been put, "that the minute be presented," and agreed to,

The minute was read; which contained the examinations of Dr. Warren, Sir George Baker, Sir Lucas Pepys, Dr. Reynolds, and Dr. Ad-dington.

The first question put to each of the physicians, was in substance, "Whether they thought his Majesty's present indisposition rendered him incapable of meeting his Parliament, or attending to any sort of public business?" To which they all, in different words declared, that "he certainly was incapable." The other questions

went

went to their opinion of the probability of his recovery, and the duration of his illness, and to the grounds on which they founded their several answers, whether from any particular symptoms in his Majesty's disorder, from experience, or from both. They all assigned reasons for thinking that his Majesty was likely to recover, but could give no satisfaction as to the time of the duration of his Majesty's illness; and declared their opinions were not founded on any particular symptoms in his Majesty's case, but from their own experience, and the experience of those physicians who had been accustomed more especially to attend patients labouring under the same infirmity with which his Majesty was afflicted, and who had made that branch of medicine the peculiar object of their practice.

Dr. Addington, in the course of his examination, spoke in very strong terms of the probability of his Majesty's recovery, grounding his opinion on his own experience in that peculiar branch of medicinal practice, from which he was enabled to pronounce, that unless the disorder had been hereditary, there was every reason to expect a cure; and that, afterwards, his Majesty would be in as good health, and as capable of attending business, as he was at any time previous to the commencement of his illness.

As soon as all the examinations were read,

*The*

*The Lord President* moved, “ That the minute do lie upon the table ;” which, on the question being put, was agreed to.

*The Lord President* next moved, “ that the said minute be taken into consideration on Monday next, and that the Lords be summoned.”

This was also agreed to *nemine dissente* ; and the House adjourned to Monday.

### MONDAY, December 8:

Soon after the Lord Chancellor had taken his seat in the Woollack,

*The Marquis of Stafford* rose, and acquainted the House with the indisposition of the Lord President; and said, he should, with submission, propose a few questions for their Lordships consideration. His Lordship then observed, that the report of the minutes of Council, which had been presented to that House on Thursday last, by the noble Earl then absent, had been ordered to be taken into consideration that day; but, before he submitted any matter to the House, he thought it his duty to acquaint their Lordships, that two other gentlemen of the faculty had been called in to attend his Majesty on the present melancholy occasion; and therefore some noble Lords might think it necessary that the examination of those persons should likewise be taken.



This brought on a conversation, in which Lord Kinnaird, the Duke of Norfolk, Lord Derby, Lord Portchester, Lord Radnor, Lord Loughborough, Lord Carlisle, Lord Stormont, and Lord Fauconberg, said a few words.

The Marquis of Stafford then moved,

“ That a Select Committee be appointed to enquire into the present state of his Majesty’s health.”

“ That the said Committee do consist of Twenty-one Lords.”

“ That each Lord do leave, with the Clerk at the Table, a list, containing the names of Twenty-one Lords.”

The several physicians were, upon motion, ordered to attend the Committee.

#### THURSDAY, *December 11.*

As soon as the Lord Chancellor had taken the Woolfack, the report from the Committee, “ appointed to examine the physicians who have attended his Majesty, touching the state of his health,” was made by the Lord President; which, upon motion, was read by the Clerk, and ordered to be printed for the use of their Lordships.

The *Lord President* then observed to their Lordships, that the examinations that had been just read, sufficiently evinced the melancholy situation

situation of his Majesty's health; but, as his Majesty's physicians could not give their Lordships any satisfaction as to the time when his Majesty would recover, it was incumbent on the two Houses of Parliament, in the present maimed, impotent, and defective condition of the Legislature, to proceed to make some provision for the purpose of supplying the deficiency, and restoring energy and exertion to the executive Government of the country. Before, however, they proceeded to that very important and necessary step, he should take the liberty of moving for a Committee to search for and report precedents of the proceedings in similar cases, or cases at all analogous to the present, in order that, having fully before them what the wisdom of their ancestors deemed necessary modes of proceeding, in cases of difficulty and danger, they might meet the necessity of the moment under circumstances of the greater safety. The propriety of such a motion was so obvious, that he should have conceived no possible objection could have been offered to it, but that it would have passed as a motion of course. He had, however, heard of an idea that had been started in another place, which had been declared to be founded in common law, and in the spirit of the Constitution. If such was the common law, and such the spirit of the Constitution, his Lordship declared it was wholly unnecessary for the House

to give themselves the trouble of searching for a precedent; because the idea to which he alluded, put an end at once to their power of deliberation on the subject. The idea was, that the Heir Apparent, being of age, had a claim to assume the regal authority, and take upon himself the administration of the Government, as a matter of right, during the period that his Majesty laboured under the disorder that rendered him unable to discharge the regal functions. If this was the common law, his Lordship protested it was a secret to him; he never had entertained any such notion; nor had he, before the present occasion, either met with it in any writer, or heard it laid down as a maxim by any lawyer whatever.—Those who broached such a notion, his Lordship said, would have done well to have been sure that they were right, before they hazarded so new and so extraordinary a doctrine; because opinions of that tendency were much sooner raised than laid, and might involve the country in infinite confusion and disorder. The assertion of such doctrine, however, was as strong an argument in proof of the expediency of the motion he meant to offer, as could possibly be urged; because their Lordships, he conceived, had too much regard to their own dignity, to admit themselves to be usurpers of the rights of another, without searching and examining precedents that would convince them whether they were usurpers

or



or not. Having made a prefatory speech to this effect, the Lord President moved, " That a Committee be appointed to examine and report precedents of such proceedings as may have been had, in case of the personal exercise of the Royal authority being prevented or interrupted by infancy, sickness, infirmity, or otherwise, with a view to provide for the same."

The Lord Chancellor read the motion.

Lord *Loughborough* then rose, and went much at large into a discussion of the subject introduced by the Lord President. In the early part of his speech, he complained of the wording of the motion as vague and indefinite. It did not confine the Committee to search for any distinct, precise line of precedents, but left them at large to examine general history, and report just as much, or as little, as they thought proper. The expression, *or otherwise*, he said, was so indefinite that no clear idea could be annexed to it; in his opinion, therefore, the motion should have been differently worded, if the House expected to derive any useful or material information from the institution of the Committee. With regard to the idea which the noble and learned Lord had said had been started in another place, he knew not whether the noble and learned Earl's information had been accurate, but he had heard of another assertion, a most extraordinary one indeed, that had been boldly, arrogantly, and

presumptuously made elsewhere. The assertion was, “ that the Prince of Wales, the Heir Apparent to the Throne, had no more right to take upon himself the Government, during the continuance of the unhappy malady that incapacitated his Majesty, than any other individual subject.” His Lordship commented on this assertion with much animation and argument, contending that it was founded on the idea that the Regency was elective, which he maintained could not be the case. He said, by the settlement of the Constitution, and by various statutes, the Crown of these kingdoms was hereditary; and that, by the 25th of Edward the Third, any person who should, by ill-advised speaking or writing, assert the contrary, was liable to be prosecuted, and to incur the pains and penalties of a *premunire*. There were not, he declared, but two possible cases in which the Throne could become vacant, so as to make it the duty of the two Houses of Parliament to provide for the exercise of the Regal Authority; the one, a total subversion of the Government, by a breach of the original compact, as in the case of an abdication of the Throne; the other, when the Royal line becomes extinct, and the King upon his demise leaves no heir. The case at present was widely different. Having stated this, his Lordship proceeded to declare, that the assertion that the Heir Apparent had the right to take upon him-

self

self the exercise of the Royal Authority, in case of the personal incapacity of his Majesty, was a doctrine undeniably founded in law. To illustrate this, he pointed out the danger of considering the Regency as elective. Were the case so, he said, the two Houses of Parliament might set up a pageant of a Regent, and, in fact, assume the Government themselves; because a Regent, so elected, must necessarily be the slave of his electors. The single precedent of a Regent having been appointed by an House of Parliament to be found in our history was, he said, the horrible precedent in the reign of Henry the Sixth: a precedent that led to the dissolution and distraction of the country, and all the wars between the Houses of York and Lancaster. In that case, the House of Lords named the Duke of York Protector, who was, of all others, the most unfit person to be invested with the power; but who had so many relations and adherents in that House, that he procured himself to be appointed Protector. From that miserable instance, their Lordships would see that the only branch of Legislature which had ever assumed the power of electing a Regent, was their own House.—Were their Lordships prepared to follow the example, and would the other House consent that they should arrogate to themselves that power? He took notice of the Lord President's having declared that the Legislature was maimed, im-



potent, and defective, at present; it certainly was so, wanting its invigorating head and spring. That was another reason which proved that the two Houses of Parliament could not elect, nominate, or appoint a Regent. By the act that provides for securing the Crown in the Protestant succession, and by an act in the 13th of Charles the Second, the two Houses are prevented from making laws of themselves, or doing any one legislative act, without the consent of the King.

There was no saying to what an extent of infringement of the Constitution the two Houses might not proceed, if they once broke through the barriers which the Law and the Constitution had prescribed. Besides, was it remembered that a neighbouring kingdom was connected with us, and acknowledged allegiance to the British Crown; if once the rule of regular succession was departed from by the two Houses, how were they sure that the neighbouring kingdom would acknowledge the Regent the two Houses might take upon themselves to elect? The probability was, that the neighbouring kingdom would depart from the rule of hereditary succession, and choose a Regent of their own, which must lead to endless confusion and embarrassment. But it had been declared, that the Prince of Wales had no more right than any other individual subject. — Was the Prince of Wales a common subject? Did not the law describe him to be one and the same

same with the King? Lord Coke expressly stated it so. Was it not as much high treason to compass or imagine the death of the Prince of Wales as the death of the King? Was it high treason to compass or imagine the death of any other individual subject? His Lordship remarked, that it so happened that the two Houses were, at that time, Houses of a legal Parliament, legally summoned by the King's writs, and in consequence legally assembled; but, supposing the case had occurred in the intermission of Parliament, would any man say that it would not have been warrantable for the Prince of Wales, as Heir Apparent, to have issued writs, and have called the Parliament together? Upon this, and a great variety of other reasoning, his Lordship maintained his positions, that the Regency was hereditary, and not elective; that the Heir Apparent had a right, during the interruption of the personal exercise of the Royal Authority, by his Majesty's illness, to assume the reins of Government; but declared that he did not mean that the Prince of Wales could violently rush into the Government; but that, upon the authentic notification of the King's unfortunate incapacity to the two Houses of Parliament, the Prince ought, of right, to be invested with the exercise of the Royal Authority. His Lordship referred the House to Mr. Justice Foster's Treatise on the Principles of the Revolution, Mr. Justice Blackstone's Chapter of his

Commentaries that treated of Regal Power, and to the productions of other constitutional writers, as well as to the speeches of Lord Somers, and others, who conducted the Revolution, as the authorities by which his arguments would be found to be supported.

*The Lord Chancellor* left the Woolfack, and expressed his dissatisfaction, that, in the progress of a business peculiarly grave and important in its nature, there should have occurred any thing like a difference of opinion, or unpleasant altercation. Had their Lordships waited till the ultimate question came under discussion, in all probability there would not have been found much disagreement on any side, and, consequently, much of what had been said that day might have been spared.

His Lordship declared, all he had that day heard had not satisfied his mind. He wished, therefore, before he was to give his opinion upon so delicate a subject, to have the full advantage of every information, and every precedent that could be found, that bore any sort of analogy to the present unfortunate and calamitous situation of the country. With regard to the doctrine that had been maintained by the Noble and Learned Lord who spoke last, he could only say, that it was perfectly new to him, and that he had not heard it before.

The



The Noble and Learned Lord, he observed, had remarked, that, in the eye of the law, the Prince of Wales and the King were one and the same. Would their Lordships take a metaphorical expression, and force a literal meaning upon it? Although his Royal Highness the Prince most certainly was peculiarly distinguished by his rank, birth, and dignities, it ought to be recollected, that he was, nevertheless, a subject. The Noble and Learned Lord had, in the course of his argument, put the case in two different points of view. He had suggested, that his Majesty's unfortunate illness might have happened in the intermission of Parliament, as well as having happened as it had done, while the Two Houses of Parliament met in the usual and regular way; and the Noble and Learned Lord had said, in the case of an intermission of Parliament, would not the Heir Apparent have been warranted in taking upon himself to issue writs, and call the Two Houses together?

The fact, his Lordship said, had actually happened in the reign of Henry VI. when the Heir Apparent did issue writs, and call the Parliament together. But what was the first proceeding of that Parliament? They passed an act of indemnity for those who advised the measure of putting the Great Seal into the hands of an infant only nine months old. Having explained this historical fact, his Lordship took notice of what had  
fallen

fallen from Lord Loughbrough respecting Ireland, and lamented that it had been dropped, since it was *spargere voces in vulgum ambiguas*. Such vague and loose suggestions, he said, could answer no useful purpose, but might produce very mischievous consequences. He declared he had every reliance on the known loyalty, good sense, and affection of that country, and felt no anxiety on the danger of Ireland's acting improperly. He said, he should purposely avoid entering at all into the discussion of the important topics that had that day engaged so much of their Lordships attention; because he considered such a discussion as premature, and did not think the question ought, in any degree, to be pre-occupied. Indeed, he saw no other end that could arise from it, but affording a subject for a frivolous paragraph in a news-paper, to set idle people talking upon which side of the argument this or that Noble Lord spoke; while the sensible byestander would observe, that their Lordships had begun at the wrong end, and were discussing the conclusion, before they had settled the premises. His Lordship said, it was unnecessary for him to use any arguments in justification of the motion, as no objection had been made to it. He complimented Lord Loughborough on his having spoken of a Prince of Wales in the abstract, without affecting, in the treatment of such a delicate subject, to risk any part of his  
argument

argument on the personal virtues of the present Heir Apparent, who, he said, should always have his applause, when the expression of it would not be an act of impertinence. His Lordship spoke of the impossibility of separating the natural and political character and capacity of the King; and said, while the Crown remained firmly fixed on his Majesty's head, the difficulty lay in appointing a proper Regent.

*Earl Stanhope* said, he was in the country when the news reached him of his Majesty's unfortunate illness, and he came to town with no other sentiment than a determination to oppose the proposition of saddling the Regent with a permanent Council, if any such proposition should have been made:—but that he could not sit silent, and hear it denied to the Two Houses of Parliament, that they had the power, in case of a vacancy on the throne, or the interruption of the personal exercise of the royal authority, to make provision to supply the deficiency. His Lordship addressed his argument chiefly to what had fallen from Lord Loughborough, and read an extract from the bill of rights, touching the conditions on which the Prince of Orange and the Princess Mary were offered and accepted the Crown. That declaration, he observed, was the act of the Two Houses of Parliament. He next asked, how the Hanover family came to the throne? and stated different instances of the Two Houses



Houses interfering with regard to the succession to the Crown, to prove that their interference was constitutional.

*The Duke of Norfolk* observed, that the greatest part of what had been said was foreign to the motion before the House, to which he wished to confine himself. His Grace argued against the introduction of the words *infancy* and *or otherwise*, and wished it had been limited to *sickness* only; because he was sure then, that no precedent whatever could have been produced, and that such must have been the report of the Committee.

*The Lord President* justified the wording of the motion, and declared, that his head must be strangely illogical, if the term *infancy* was not peculiarly in point to the present occasion.

*Lord Stormont* supported the arguments of Lord Loughborough, and added several others in confirmation. His Lordship said, by the approbation that had been signified when the declaration that the Prince of Wales had no more right to exercise the royal authority, during his Majesty's unfortunate illness, than any other individual subject, was alluded to, he was persuaded it was a favourite doctrine with noble Lords of a certain description, and that it was thrown out with a view to feel the pulse of the nation. He contended against the idea of a Regency being elective; and argued, that, if that doctrine were admitted,

mitted, it must lead to a Republic. He reminded Lord Stanhope, that his arguments on the Bill of Rights and the Revolution were irrelevant, in answer to what had been said by Lord Loughborough; that Noble and Learned Lord having expressly mentioned, that the Two Houses of Parliament could legally provide a successor to the throne only in two instances; one of which was, when a subversion of the Government took place by a breach of the original compact between a Sovereign and his subjects, which was precisely the case at the Revolution. He complimented the Noble Earl, however, on his objections to saddling the Regent with a Permanent Council, and instanced the case of Poland to prove, that the most distinguished abilities in an elective Monarch could not prove advantageous to his people, or render his Government either beneficial or glorious, while he was fettered with a Permanent Council. His Lordship declared, in the name of the Peers of Scotland, that, if the Two Houses took upon themselves to depart from the rule of succession, and elect a Regent, the Nobles of his part of the realm would consider the Act of Union as suspended.

After ridiculing the idea of setting up a competitor with the Prince of Wales, mentioning the case of the Duke de Guise, who boldly usurped the Regency of France; and, speaking in terms of affectionate sorrow for his Majesty's illness,

ness,

ness, his Lordship concluded with earnestly recommending, that an address of the Two Houses, entreating the Prince of Wales to assume the exercise of the royal authority, and hold it during his Majesty's incapacity, should be voted and presented to his Royal Highness.

*Lord Sydney* avowed it to be his opinion, that, during the interruption of the present exercise of the royal authority, occasioned by his Majesty's illness, no person, however high his rank, however distinguished his birth, had a legal claim to assume it, as a matter of right.

*Lord Portchester* said, the secrecy with which every step in relation to his Majesty's illness had been taken, the confining the examination of the physicians to a Committee of twenty-one, and, although five days were allowed, after laying the minute of the Privy Council on the table, the calling upon him and other Lords, in five minutes after the examinations of the physicians before the Committee of twenty-one had been read, to vote for a Committee to search for precedents, made him regard the proceedings of Ministers on the subject with an exceeding jealous eye. His Lordship referred to the reign of Edward III. when that King's son, a minor, (afterwards called the Black Prince) was declared Regent by his father, during his absence—and reasoned much at large upon that and other precedents.



*The Earl of Hopetoun* made a short speech.

At length, the question was put, and agreed to.

FRIDAY, *December* 12.

As soon as the Lord Chancellor had taken the Woolfack, a Committee was appointed to inspect the lists delivered in at the table, of twenty-one Lords, to be appointed as a Committee “to examine and report precedents of such proceedings as may have been had in cases of the personal exercise of the royal authority being prevented or interrupted by infancy, sickness, infirmity, or otherwise, with a view to provide for the same.”

After some time, the *Lord President* came into the House, and informed their Lordships, that the Committee had met, and inspected the several lists, and had desired him to report the following names as a Committee, viz.

Archbishop of Canterbury	Earl Bathurst
Lord Chancellor	Lord Stormont
Lord President	Bishop of London
Lord Privy Seal	Lord Osborne
Duke of Richmond	Lord Sydney
Duke of Portland	Lord Loughborough
Earl Derby	Lord Walsingham
Earl Coventry	Lord Grantley
Earl Dartmouth	Lord Hawkesbury
Lord Radnor	Lord Kenyon.
Lord Chatham	

*The Lord President* then moved, “ That the said Committee, or any eight or more of them, do meet the next day in the Prince’s Chamber.”

“ That no Lord but those of the Committee be present.”

*Lord Hopetoun* moved, “ That the report from the Committee appointed to examine the physicians who had attended his Majesty, touching the state of his Majesty’s health, be printed;” which, upon the question being put, was ordered accordingly.

The House then adjourned till Monday.

#### MONDAY, December 15.

*Earl Fitzwilliam* enquired of his Majesty’s servants, whether they intended to bring forward any motion on the report of precedents? There was but one opinion, he said, on the measures necessary to be taken in the present situation of Government, and that was, that a Regent should be appointed, and that the Prince of Wales ought to be the Regent. It would, he said, be a very great satisfaction to his mind, if his Majesty’s Ministers would assure the House, that they did not mean to agitate any question relative to the right of the Heir Apparent to take upon him the Regency of the country.

*Lord*

*Lord Camden* replied, that the Committee had not yet been able to make their report, previous to the receipt of which it was utterly impossible to proceed a single step. When the report should come, it would be necessary to move to have it printed for the use of their Lordships, and then time must be allowed for their Lordships to make themselves masters of the various precedents it contained, previous to their grounding any proceeding upon it. Were he to say no more, the Lord President declared, he should conceive he had given the noble Earl as satisfactory an answer as he had a right to expect; but he thought he might go one step farther, and say, that it was not the wish of Ministers to agitate more questions than were absolutely necessary. The rights of the two Houses of Parliament had been questioned, and two noble Lords, an illustrious and learned Baron, not then present, and a noble Viscount, had argued very much at large, and with great authority, against the existence of those rights. It became therefore absolutely necessary that rights so essential and important should not be left unsettled and undecided, before they proceeded to the other necessary steps in the providing a Regency. But as the Noble Earl had put a question to him, would he, in turn, give him leave to put a question to him? Would the Noble Earl, and the other Noble Lords who acted in concert with him, de-



clare, that all question of the rights of Parliament was abandoned by them, and admitted to exist in full force ?

*Earl Carlisle* said, he had not conceived that either of the two Noble Lords alluded to had questioned the Rights of Parliament ; because, if their arguments had borne that tendency, he should have imagined they would have objected to the appointment of a Committee to search for precedents as altogether unnecessary, and that the House would have found itself in a very different stage of the business from that in which it stood at present.

*The Duke of York* next rose. His Royal Highness began by declaring, that, perfectly unused as he was to speak in a public assembly, he could not refrain from offering his sentiments to their Lordships on a subject in which the dearest interests of the country were involved. He said, that he entirely agreed with the Noble Earl (Lord Fitzwilliam) and other Lords, who had expressed their wishes to avoid any question which tended to induce a discussion on the rights of the Prince. The fact was plain, that no such claim of right had been made on the part of the Prince ; and he was confident that his Royal Highness understood too well the sacred principles which seated the House of Brunswick on the throne of Great Britain, ever to assume or exercise any power, *be his claim what it might*, not  
derived

derived from the will of the people, expressed by their representatives, and their Lordships in Parliament assembled.

On this ground, his Royal Highness said, he must be permitted to hope, that the wisdom and moderation of all considerate men, at a moment when temper and unanimity were so peculiarly necessary, on account of the dreadful calamity which every description of persons must in common lament, but which he more particularly felt, would make them wish to avoid pressing a decision which certainly was not necessary to the great object expected from Parliament, and which must be most painful in the discussion to a family already sufficiently agitated and afflicted.

His Royal Highness concluded with saying, that these were the sentiments of an honest heart, equally influenced by duty and affection to his Royal Father, and attachment to the constitutional rights of his subjects ; and that he was confident, if his Royal Brother was to address them in his place as a Peer of the realm, that these were the sentiments which he would distinctly avow.

The *Lord Chancellor* left the woofsack to declare, that what they had just heard, must make a strong impression on the minds of their Lordships, and that it could not but be extremely gratifying for them to know, that the mode that they should adopt on the present melancholy oc-

caſion, would give the utmoſt pleaſure and ſatisfaction to the exalted perſonage who muſt neceſſarily feel the greateſt intereſt in their deliberations and deciſions. He declared, for one, that no man could be more determined than he was, to avoid having any queſtions brought forward that were unneceſſary, and that he was ready to bind himſelf by any words, or phraſes, however ſtrong, not to vote for any queſtion, that took any other direction than the ſtreight path of the public good. His Lordſhip ſpoke of queſtions of right as generally invidious, and often unneceſſary, and declared, that in their preſent critical ſituation, no queſtion ought to be brought into agitation, that the nature of the ſubject did not actually and abſolutely demand to be diſcuſſed. He reminded their Lordſhips of the ſteps they had hitherto taken in the important buſineſs before them, and of the ſtage at which they had arrived, obſerving that they had followed the ſame line with the Houſe of Commons ; but it had ſo happened, that the Houſe of Commons were in a more advanced ſtage of the buſineſs. At preſent their Lordſhips' Committee were employed in ſearching for precedents, and had not yet been able to make their report : when that report ſhould come before them, they would be enabled to ſee what ſtep ought farther to be taken, with a view to do that which they muſt all wiſh to ſee done, viz. to reſtore vigour and efficacy



efficacy to the executive government of the country, and he should suppose, above all things, to take care faithfully to discharge the duty of subjects, and preserve the Rights of the King entire, so that when God should permit his Majesty to recover from his present melancholy illness, he might not find himself in a worse situation than he was in before his infirmity, or disabled from the full exercise of all his rightful prerogatives. His Lordship took notice of the eloquent and energetic manner in which a noble Viscount had, in their last debate, expressed his feelings on the present distressing situation of his Majesty; feelings rendered more poignant from the Noble Viscount's having been in habits of personally receiving various marks of indulgence and kindness from the suffering Sovereign: his own sorrow, his Lordship declared, was aggravated from the same circumstance; his debt of gratitude also to his Majesty was ample for the many favours his Majesty had graciously conferred on him, which, when he forgot, *might God forget him!* His Lordship took notice, that in the last conversation that had taken place in that House upon the subject, two opinions, different from each other, had been propounded; as these opinions ran in opposite lines, and could not be brought to one and the same point, some path between the two, he conceived, must be chalked out; what that path was, remained for their

Lordships to find, and possibly they would be assisted by some communication from the other House. His Lordship again declared, it was nevertheless his opinion, as much as it was that of the Noble Earl who had begun the conversation that day, that no question that was not absolutely necessary ought to be agitated; and that, if it could be done, the proceeding with perfect unanimity was most desirable. His Lordship spoke of their not being ripe for any decision yet, and urged the little use of debating before the report was made from the Committee, and further proceedings had thereupon.

*Lord Stormont* said, he agreed in many points with the noble and learned Lord who had left the woolsack; he would therefore only detain their Lordships with stating in what he differed from that noble and learned Lord. The noble and learned Lord had stated, that two opinions had been propounded in the last debate, that ran in parallel lines, and could not be reconciled and brought to one and the same point. So far from this being the state of the case, he thought nothing could be more easy than to reconcile the one to the other; his Lordship then begged leave to remind the House of what he had in his speech on Thursday last repeatedly mentioned, viz. that the agitating the subject that day discussed, and which gave occasion for the two opposite opinions to be stated and insisted upon, was not imputable

putable to him, or to any Noble Lord who had spoken on his side of the question. Their Lordships must all remember, that the subject had been introduced by the Lord President of his Majesty's Council in a most extraordinary, and he would say, disorderly and unparliamentary manner.

Lord Stormont was here called to order, and some interruption took place, which being composed :

*Lord Camden* rose again and declared, that he could not sit silent, and hear himself charged with having been guilty either of a crime, or, at best, a very high and censurable act of indiscretion. A noble Viscount had said, that he, in a manner equally extraordinary, disorderly, and unparliamentary, had introduced the topic on which they had discoursed last Thursday. He was ready to confess that he did take notice of what had passed *in another place*, in the course of his opening speech ; but he denied that, from the general words he had used, any noble Lord was warranted to fix on him a charge of having spoken in a disorderly or an unparliamentary manner. Not that he meant to deny, that by *the other place*, he did mean the House of Commons : he certainly did ; and if the question was put to him, whether any allusion in that House to what had passed in the other, was disorderly and irregular, he should admit that it was. But  
such



such allusions, they all knew, though in strictness irregular, were made every day and overlooked; or if noticed, done so by stating that they were disorderly, in so good-humoured a tone, that no party felt uneasy. The noble Viscount had that day used the word *unparliamentary* with so angry and vehement a tone, that it seemed as if they were determined to proceed with a degree of passion and animosity that was exceedingly to be lamented. He must, however, in justice to himself, deny that he was that wicked and bad man who had broached the doctrine of the Rights of the Prince, in contradiction to the Rights of the two Houses of Parliament. He did not first broach the doctrine, and therefore he did not hold himself answerable for the consequences. Having been broached, it must be noticed, because they were engaged in a proceeding that would materially affect the liberties of posterity, and therefore nothing dark or doubtful ought to be suffered to remain untouched and undecided in the adjustment of so momentous a concern.

*Lord Stormont*, after speaking to the circumstance of his being called to order, argued very strongly against agitating theoretical speculations, and on the necessity of coming at once to practical measures. After some further observations had been made by the Chancellor and Earl Stanhope,—

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*The Duke of Gloucester* rose; and after stating the peculiar unpleasantness of his own situation, and declaring that it was only four hours since he had heard that any thing was to be agitated upon the subject that day, deprecated, with great energy and feeling, the discussion of a question which could only tend to produce the most mischievous consequences. He declared himself a mere individual, not influenced by party, but actuated by a sincere love of his country, and a strong sense of what he knew would be his Majesty's feelings, was he happily to recover from his present lamented indisposition. His Royal Highness trusted, that the good sense and loyalty of a majority in each House, would yet prevent the threatened decision on this point. Perseverance in it was mischievous to the last degree, and could not be meant for the public good: for his part, his Royal Highness added, he felt so strongly on the subject, that if the attempt was persisted in, and the question brought before that House, he could only say, that he believed he should not dare to trust himself to come forward and speak his sentiments on the extraordinary conduct of those, who were unnecessarily inclined to compel a decision on so delicate a question. The House then adjourned.

WEDNESDAY,

WEDNESDAY, *December 17.*

The report from the Committee appointed to examine and report precedents, &c. was brought up, read, and ordered to be printed.

TUESDAY, *December 23.*

Sir *Francis Molyneux* informed their Lordships that there was a Message from the Commons.

The Message was, that the Commons had agreed to those resolutions already stated.

Lord *Camden* moved, that those resolutions should be referred to a Committee of the whole House, on Friday next.

The motion was put, and ordered accordingly.

Lord *Camden* then moved, “ That the Report from the Committee appointed to examine and report Precedents of such proceedings as may have been had in the case of the personal exercise of the Royal Authority being prevented or interrupted by infancy, sickness, infirmity or otherwise, with a view to provide a remedy for the same, be referred to the said Committee of the whole House on Friday next.”

*The Chancellor* put the question on this motion, when

Lord



Lord *Loughborough* begged the attention of their Lordships to the substance of this motion, before they gave it their assent. He had a few words to offer on the subject, and should take care that those words should not lengthen out the conversation by any intention of his to create a debate. The noble Lord took up the wide field of the History of England, and entered into the story of battles and sieges, depositions and coronations, open murders, private assassinations, state cabals, political intrigues, usurpations of unconstitutional power, and all its attendant consequences. His Lordship, upon the whole, promised, or rather pledged himself, to prove the inaccuracy of the report, by substantiating that many matters were cited as precedents which were not in point, and that others were brought forward without the necessary attendance of truth.

Lord *Hawkesbury* replied to what his Lordship advanced by observing, that it was somewhat extraordinary, the learned Lord should make so violent an objection to the report of that Committee of which he was a member. The members selected to search for those important precedents, were composed of the first abilities in the House—and among those was the noble and learned Lord, the absence of whose assistance was to be lamented, because that neglect of his duty to the Committee, was the cause of the complaints which were now made against the inaccuracy of its report.

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This was not a time to enter on a discussion of the wide subject started by the learned Lord—and therefore, he had only to say, that he was certain, when the objections mentioned by the learned Lord were taken properly into consideration by those members who composed the Committee, they would be able to justify themselves in the report they had made, and fully reply to all that his Lordship had now, or might hereafter allege on the subject.

Earl *Camden* then moved his question again, which was put, and ordered.

The next motion was, that “ This House do resolve itself into a Committee of the whole House on Friday next, to take into consideration the state of nation.”—Ordered.

His Lordship then moved, “ That all the Lords be summoned for Friday next ;” which was likewise ordered. The House adjourned to that day.

FRIDAY, *December 26.*

The several orders of the day being read, and the question put, “ that the House do resolve into a Committee of the whole House, on the state of the nation, the same was ordered ; and Lord Onslow sat as chairman.”

Lord *Hopetoun* rose in defence of the propriety of adopting those measures, which had been so  
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maturely

maturely discussed in another place; not that he wished the House hastily, or on the faith of the Commons to come to any decision. It was requisite to deliberate on this most weighty measure with caution, and even with distrust, that the world might see, and the people be convinced of the rectitude of both Houses in a case of such magnitude as the appointment of a proper person to execute the official duty of the first branch of the Legislature. The multiplicity of arguments which had been used, and the unfairness with which the premises in general were stated, to prove that the *right* lay with his Royal Highness, called for the fullest confutation which the Houses of Lords and Commons could give them. Indeed there was one, a most authentic document, to shew its nullity; which document was, the assertion of the Prince's brother, in the Prince's name, that he never did look up to any such right, as a right of inheritance, and that he would be guided by the sense of the representatives of the people, and accept such power as they might constitutionally offer him. His Lordship took a short view of the precedents by which their Lordships would certainly be guided; commended the prudence with which they had proceeded, and gave it as his opinion, that the resolution should be agreed to.

The *Earl of Abingdon* maintained that it was highly proper to ascertain the question of *right*, as a precedent for posterity.



*Lord Razdon* combated the propriety of going at all into the merits of the question of right; which, he said, was not a matter within the constitutional jurisdiction of the House to decide, and therefore highly improper to become the subject of debate. It had been laid down, that there were precedents to warrant the House in the mode they were adopting. This might hold good, so far as the *mode* went; but he thought he might take upon him to say, that there was no case on the records or rolls of Parliament which could direct their Lordships how to act in the incapacitated state of a King, when the Heir Apparent was of full age, and good discretion. It was this which struck his mind more forcibly, and which directed his judgment to tell their Lordships, that, at such a crisis, there was but the one safe, easy, and he would say, constitutional road for them to tread, which road was to the Heir Apparent,—to the inheritor in expectancy—to the person whose right, on the demise of his father, the crown constitutionally descended. His idea, however, was, to present an address to the Prince, that he would be pleased to take upon him the office of Regent during the incapacity of his father; and that this should stand by way of amendment, in place of the first resolution, by which all the others would become a nullity of course.

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The amendment being read by the Clerk, and put, it called up

*Lord Camden*, partly in reply to Lord Rawdon, and partly in defence of the precedents. He called what the last noble Lord had advanced, a most improper mode of proceeding—something bordering on the ridiculous;—it went to the purpose of telling the House, that every step which they had taken, every motion which their Lordships had unanimously agreed to, were so many *blanks*—were a heap of absurdities, which it was requisite for them to do away by a vote which rendered the whole of the proceeding a nullity. Could any thing in nature be more absurd? Was it possible to conceive a more inconsistent act? Their Lordships, however, had more regard to their dignity—more respect to the importance of the subject which had taken up so much of their attention, than to sweep it all away in a moment, without even allowing that it was right to take it first into consideration. The noble Lord surely forgot, that in all cases of this nature, it was requisite to take the sense of both Houses; and if such necessity existed, that it followed, as a matter of course, to take it into deliberation, and when taken, it was natural to have a result. It was in fact a fair logical position of the premises, and the conclusion—but the order of which the noble Lord totally subverted, by allowing the premises, and denying the conclusion

—that conclusion which must be the effect of such premises. He trusted, he said, that the House would not agree to such a strange doctrine, and that the matter of right would be fully and ably discussed before the House broke up, in order to give that consequence—that weight to their Lordships proceedings, which the magnitude of such a matter demanded.

The learned Lord then entered upon the subject of the precedents, and beginning with that of the first year of Henry the Third, he regularly proceeded to the Revolution of 1668.

Having minutely stated all that came under the head of *infancy* in the first and third of Henry the Third; the third of Edward III. the first, second, third, tenth, and thirteenth of Richard the Second; the first, second, third, fourth, fifth, sixth, eighth, ninth, eleventh, and thirteenth of Henry the Sixth; the first of Edward the Fifth; the first and third of James the Sixth of Scotland; and then, with the same accuracy and judgment, going through the precedents of *sickness* and *infirmary*, found in the rolls of Parliament, respecting the fiftieth and fifty-first of Edward III.; the thirty-first, thirty-second, thirty-third, and thirty-fourth of Henry VI.—he came to the cases of *absence*, “or otherwise,” and deduced from the whole, that in every situation where the sovereign power in the life of a King was executed by a Regent, or Protector, or Lieutenant, the whole



of the authority under which such Regent, Protector, or Lieutenant acted, was derived from the Houses of Lords and Commons, and not exercised or even claimed as a matter of right by the Heirs Apparent, or the Heirs in Expectancy. Indeed so far from such a claim being made, it was laid down as a fundamental maxim, that whilst the King lived, although he was an infant or incapacitated by sickness, no hereditary right could interfere either to deprive him of his Crown, or seize upon the executive powers of government. The people were always jealous, always careful of their rights in such cases, which was that of appointing the person or persons to whom that authority should be delegated; and in the precedents which the noble Lord quoted, he proved most clearly that the law and custom of this country always were, in cases of necessity, for the two Houses of Parliament to take upon themselves the Supreme Authority, so far as it went to the appointment of a Regent. He dwelt with peculiar force on that of Henry the Sixth, both in the state of infancy, and when he lay incapacitated in the 32d year of his reign at Windsor, by the visitation of a malady that made him insensible to all transactions, and deprived him of the power of distinguishing even his most intimate attendants. In this case, it was thought provident by Parliament to appoint a Regent; and lest any mischief might ensue from the pos-

session of too much power in the person of the King's uncle, he was saddled with a numerous Council, under whose direction he was to act. The same was the case in the King's infancy, and indeed in every time when a Regent was appointed. There was no such thing as a sole unlimited power in any one *Viceroy*: it was a thing unknown to the constitution, unthought of until the present moment, and which never could be. He besought their Lordships not to depart from the wisdom of their ancestors, to introduce a new power into this country, however they might be convinced of the honour, the wisdom, and the constitutional principles of the person to whom it was delegated;—and who, himself, saw the impropriety of such a measure, as was evinced by what his royal Brother had said in the House. The Prince appeared to understand the matter of right; but as the people, or at least a certain description of them differed about it, there was a very urgent necessity for the House to debate the question. Having, with peculiar energy, dwelt on this part of the subject, and delivered it as his opinion, that nothing but the Lords and Commons could, without a subversion of the constitution, appoint a Regent, and arrange the powers to be given to that Regent, he mentioned that the limitations which would be proposed to restrain the Regent, would be but few, and would not interfere with doing every thing that

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was actually requisite for the true interest of the state during the incapacity of the King.—More it was impossible to expect, unless the present King was deposed ;—and the absence of all power from a Monarch, is, in fact, the deposing of him. If, therefore, the Prince, or any other person was appointed Regent, with all the powers of monarchy, what would become of the Crown? Would it not be *vacant*? or rather would it not be usurped, and torn from the head to which it was fitted for life?—These were considerations of great moment. Whatever might be the situation of the King, he was not yet dead; and his present unhappy state was the business to which their attention was peculiarly requisite. His Crown was their most careful object—and it was the duty of their Lordships to guard it, with all possible care, against usurpation or encroachment. Holding the argument in this light, he should give the motion of the amendment his most hearty negative.

*Lord Stormont* entered very fully into the question : he observed, that many of the precedents did not at all apply to the present instance, which was new in the history of this country ; he was clearly of opinion, that the most constitutional way of proceeding at present, was by an humble address to the Prince of Wales, to take upon him the administration of the executive government of the kingdom during his Majesty's illness,



and no longer. The mode of giving the Royal assent, mentioned in the third resolution, was unconstitutional, and fraught with danger which their Lordships could not possibly foresee, and of which they might be afterwards ashamed. He said, that although the Great Seal, in common cases, was evidence of the Royal assent, yet, in the present case, it would be a forgery : and for the two Houses of Parliament to take upon them to supply, in this manner, the defect in the legislature, was a gross violation of the rights of Majesty. It was as arbitrary and unconstitutional, as it was for the House of Commons, in the year 1648, to assume to themselves the power of making laws, without the consent of the King and the Lords. The Prince was now of full age, and entitled to the exercise of the whole regal power during the melancholy disorder of his Majesty, which he hoped would be only temporary, and that the King would soon be able again to take upon him the management of public affairs. He conjured Noble Lords to consider this important business fully and deliberately, before they came to a determination.

*The Duke of Richmond* submitted to the House whether this address to the Prince of Wales would not be as much an act of legislation, as any that could be imagined. As to the right which, it had been said, his Royal Highness had to exercise the Royal authority, during any temporary

porary indisposition of his Majesty, he should be glad to know from whence it was derived, and upon what principle it was founded; he could not see a shadow of ground for any such right; if any such right existed, what were the natural and legal consequences of it? they were various, and deserved the most serious consideration of their Lordships. In the first place, if his Royal Highness really had this right, the first consequence was, that all the King's personal property went to the Prince along with this right. The moment he succeeded to the regal power, at the same instant he had a right to all the King's personal property. Now, it was probable his Majesty had very considerable personal property, from the Electorate of Hanover, &c. for the support of his very numerous family;—was all this to fall into the hands of the Prince when he became Regent? Another right that devolved on his Royal Highness, the instant he succeeded to the exercise of regal power, was the care of his Majesty's person. The Prince might dismiss every servant from about his Majesty's person, from the two Noble Lords who carry the white staves, down to the meanest page. No Noble Lord would say that this was proper. He would not pretend to say that his Royal Highness would exercise any such acts, but this was setting a precedent to future generations. No man, he said, in that House had a greater respect and reverence

for the person of the Prince of Wales than he had. The Noble Duke concluded, by expressing his perfect agreement and concurrence to the three resolutions that had passed in the House of Commons.

*Lord Loughborough*, in a very long speech, took a view of the several precedents, and endeavoured to shew that there was not the least analogy between them and the case before their Lordships. He insisted upon the incapability of the two Houses to do any act which constituted the powers of Parliament. He combated the three resolutions that were passed in the House of Commons, and endeavoured to shew that they were nugatory, unconstitutional and absurd.

*The Lord Chancellor* denied all the doctrine laid down by the Learned Lord, as totally unfounded in law. To prove this, he laid it down as his position, that the motion made by Lord Rawdon was not to be supported on any grounds of reason; for if the House was incompetent to appoint a Regent under certain restrictions, it was incompetent to address any man to become a Regent. This was an argument which could not be controverted. The matter on which the House was to decide came to this point;—have we, or have not any powers? If we possess authority, let us go on;—if we do not, it is idle and nugatory to debate any longer. This, he believed, would require very little deliberation; and, as he conceived,



ceived, must be determined in favour of the right. His Lordship declared it as his opinion, that from all he had read—from all he had heard of—and from all the principles of constitutional justice which he could conceive, the Houses of Parliament were authorised, in the present case, to appoint a Regent. In respect to the Prince of Wales, he must say, that his Royal Highness was the most proper person to be appointed: but in saying that, he denied any sort of *legal* claim in the Prince, he believed he proved himself a much better friend to that personage, than those who pretended to have his interest more at heart. Those who contended for the just authorities of the Crown, to which that illustrious Gentleman was Heir Apparent, shewed their loyalty much better than those who were for curtailing its due rights and prerogatives, and the Prince would derive more solid advantages from the former than the latter.

Having placed this idea in various points of view, he again mentioned the futility and the absurdity of the motion before the House: it was an amendment, that desired their Lordships finally to determine a question which they had no right to debate; or, in other words, to create a new appointment, at the very time they were to avow their incapacity to do so. This surely was the pinnacle of nonsense, and broached such a doctrine as the wisdom of the House would never subscribe to.

The House then divided on Lord Rawdon's amendment.

Ayes, 66——Noes, 99.——Majority, 33.

The three resolutions, in their original state, were then put and carried without a division.

MONDAY, *December 29.*

The Order of the Day for taking into consideration the report of the Committee on the state of the nation being moved, the three resolutions voted on Friday were read: the two first were agreed to without any debate; and on the third being read,

*Lord Kinnoul* rose, and protested against it, as inimical to the constitution, as it tended to create a fourth estate, and to destroy that equipoise of the three branches of the legislature, which had caused this country to flourish for ages. He admitted the propriety of referring to precedents; but contended that the circumstances of the times in which they took place, rendered them altogether inapplicable to the present occasion. His Lordship insisted that the Prince of Wales, for every reason, ought to be entrusted with the full powers of the prerogative during the continuance of his Majesty's illness.

*Lord Kinnard* complained, that the meaning of the resolution was obscure, and wished that some Noble Lord, whose official situation gave him an opportunity of understanding it, would explain the nature of those measures which were to be grounded

grounded upon it. No explanation being given, his Lordship proceeded to consider the resolution in various points of view, and affirmed that their Lordships proceedings, in consequence of it, could be reconciled neither to the principles of the constitution nor to the law of the land.

The *Earl of Suffolk* also opposed the resolution, and quoted *De Lolme* on the necessity of preserving the counterpoise and independency of the three estates of Parliament; and concluded with cautioning their Lordships against supporting any limitations which would render the Regency unfit for a gentleman to accept.

The *Duke of Norfolk* wished to be made acquainted with the nature of the proceedings which were to follow the resolution.

The *Duke of Richmond* said, he could only explain, as an individual, what he himself understood by it; which was to put the Great Seal to a commission for representing the King in Parliament, and to another, for giving the Royal Assent to such bills as should be agreed on by the two Houses for settling the Regency.

*Lord Portchester* observed, if the Keeper of the Great Seal was to be empowered to signify the will of the King, he might differ in opinion from the two Houses; and, in that case, he was well assured, from his knowledge of the Noble Lord's integrity, he would not assent to any bill that might be passed. They were, therefore, under  
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the necessity of owning, after having declared the right, that they had no such right.

*Lord Stormont* said, there was a reason for the silence of the Ministers which they did not chuse to publish. They could not undertake to say what farther was intended, till they received their instructions from the House of Commons. It had been understood on Friday, that the third resolution was to be debated on the report; but since Ministers chose to make no reply to the arguments urged by the Noble Lords near him, he would not go at large into the question.

*Lord King* said a few words in support of the question for receiving the report; which was at length carried without a division.

#### TUESDAY, *January 20.*

Several resolutions of the House of Commons were presented to the Lords, which having been read, Lord Camden moved, " That this House do, on Thursday next, resolve itself into a Committee on the present state of the nation," which was agreed to.

#### THURSDAY, *January 22.*

#### STATE OF THE NATION.

The House resolved itself into a Committee of the whole House, and the Order of the Day being

ing called, the resolutions from the House of Commons were read.

*Earl Camden* observed, that the business had taken up more time than was necessary in point of debate; for the principle of the proceeding was justified by necessity, and the spirit of the constitution; and the proceedings, had they not been thwarted by an unwarrantable opposition, would long since have terminated in the very manner in which it was likely they would now end. Their Lordships were in possession of every fact relative to the unhappy situation of the King; and Parliament, in consequence, had thrown the weight of supplying the vacancy of the executive government on the Ministers as they now stood. In obedience to what Parliament had directed, the business had now arrived to the period of appointing a Regent; and, with great propriety, the first resolution for their Lordships consideration, was that of vesting his Royal Highness the Prince of Wales with sovereign authority, to which he was certain no man could or would object: but to come more immediately to the subject under consideration, and as it was, on all hands, admitted, that the two Houses of Parliament, and they only, could appoint a Regent, the resolutions now read were offered to their Lordships as the ultimate sentiments of the House of Commons. In those resolutions there were certain restrictions on the Regent which had

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his full approbation. The first was, that he should be limited as to the creation of Peers; and when their Lordships fully considered this point, they would certainly agree in the propriety of such a measure. The creation of nobility was one of the most splendid privileges of the Crown; it enabled the Sovereign to confer honours on any person and his posterity for ever, and to give them a seat in that House. This was a matter of right in the Crown, which it would be dangerous, without the accompaniment of that Crown, to transfer to another; and, therefore, in all appointments of persons to act during the incapacity of the King, this privilege had been wisely withheld: there was but one instance, and that singly, in the reign of Henry VI. where the Regent or Regency acted otherwise.

His Lordship was well aware of what might be said in opposition to such a restraining clause at this day. It would be said, no doubt, that a Regency, thus shackled, could not effectually carry on the business of the state; and that he who in expectancy was lawful heir to the Crown, would take care that the peerage should not be sullied by the introduction of any improper persons. This, however, was not an argument which could now be established; as, in the present instance, Parliament was to consider the Prince as a subject, and that the delegation to him was in that capacity, and not to the Heir Apparent



Apparent of the Crown: his title had nothing to do with the present appointment, and therefore the House was to consider him in a view totally abstracted from all expectant claim to the sceptre; hence it was, that the restrictions took place:— for if his Royal Highness was to be conceived in the capacity wherein a Learned Lord had placed him, the Regency would be a *matter of right*, and the interference of Parliament an insult; but as the case was otherwise, it was deemed prudent to prevent that being done during the short interval of his Majesty's illness, which, when he recovered, could not be undone; and it was the duty of the present servants and well-wishers to his Majesty, to take especial care that such provisions should be carried into execution. The mild and benevolent temper of the Prince, with his wish to oblige and make every man his friend, might, and no doubt would, lay him open to the wiles and snares of that certain political combination of men, who, in every reign, as well as the present, are grasping at power, and who care not what sacrifices they make, so their own ends are obtained: and as the period, by all accounts of the physicians, would be short, when the health of our Sovereign would be restored, decency, as well as political justice, demanded the very restrictions contained in those resolutions. It was possible, and it was to be expected, that those who now looked with such eager eyes for power,

and

and who dreaded that his Majesty had too many well-wishers in the present state of the House, to watch against and prevent the ambitious views of those who were deemed not to be either his friends, or friends to the Constitution,—would snatch the first opportunity of thronging that respectable assembly with as many new faces as were requisite to give them such a majority as should answer every purpose they meant to carry into execution. This was a fact well known, and therefore, for the safety of the state, for the honour of the Prince, for the character of the Peerage, and for the dignity of the Crown, it became their Lordships to accede to this restriction.

The next points which met objection, as he had been given to understand, were, the appointment of the Household remaining with her Majesty, and the prevention of granting pensions and places for life, or on reversion:—but if the argument for limiting the Peerage held good, so must this. They stood in one respect on similar grounds. It would be doing that which could not be undone; and it would be affording such latitude to those in power for the time of his Majesty's illness, that the wise and excellent equilibrium, which at present exists, would be no more. He beseeched noble Lords to consider what would be the situation of their unhappy Sovereign coming back to the Throne, and finding

ing the advantage taken of his temporary illness. —The idea was sufficient to tell every noble Lord how he should act, so as to prevent such a national catastrophe. The Restriction could do no injury—the latitude teemed with mischief.

As to the idea of the support given by the Lords of the Bedchamber, it might be called an unconstitutional one by certain persons in the other House, and they might say, such Peers were subservient to the Members—but he held a quite different doctrine. They were, indeed, his Majesty's most intimate friends—those with whom he conversed in the hours of relaxation, and to whom his private thoughts were communicated: they, therefore, naturally were of his way of thinking on many political subjects, but were men of too high birth—too noble in their principles, and had too much regard for their honour to do an improper action.—These noblemen it would be unjust to remove from their present situation—they always held them, let what might be the changes of administration—they were employed as the domestic friends, and not the political appendages of Royalty.

Were any new administration to be formed, it was probable, if the Regency was restricted, these Noblemen would be instantly removed, from the rancour that was expressed against them for their share in saving this nation from ruin, on the India bill. Let any noble Lord picture to him-



self what would be the sentiments of his Majesty when he recovers. He would see a parcel of faces as Lords of his Bedchamber whom he never saw before, and probably whom he never wished again to behold. Did their Lordships think it prudent to give existence to a cause that might produce such an effect?—Surely not.

In respect to the influence that this establishment might create—it was not natural to suppose, that her Majesty would enter into a political confederacy against her son, merely to carry the purposes of a new Opposition into effect; but it was very proper to imagine if all the power, and all the influence of the Crown were given to the Ministers of the Regent, and that the Lords of the Bedchamber were nominated by them, that there would be more than ONE OFFICIAL SPY to watch all that was going forward, for the purpose of restoring his Majesty to his health, and more than ONE OFFICIAL INTERPOSITION to derange and make irksome the affection of an afflicted wife, and the duty of faithful servants to their Sovereign; nay, that very power might snatch from her Majesty the care of the Sovereign, thinking that he would be better attended, and saying that he would be more speedily restored to sanity under their direction.

As to the bestowing of places for life, that was not a proper power in a Regent, for they could not be given, in the short interval of time mentioned

tioned for eminent services to the State; they must be with a political view in the Ministers, who, as he said before, would make the most of their time. Indeed, those places often gave birth to *ingratitude*; the person so honoured, and so benefited, sometimes forgetting the benefactor, and not only banishing the obligation from his memory, but exercising every talent he possessed, to convince the world that the remembrance of a favour died with the impossibility of retracting it.

Again he should trouble the Committee with a few words on influence. The Gentlemen who expect to come into authority say, that, by withholding from them the creation of Peerage—and the command of the Household, they will not have INFLUENCE enough to carry their plans into execution. These are the very men who but a short time since voted the influence of the Crown, to be too great—but the principles of that party were now so jumbled into a COALITION with another party, that their arguments and politicks were guided by their own interest alone. It was now pretty evident they had nothing else in view. Was it possible now to suppose, that if their intentions were good, the patronage of the Church, the Army, the Navy, the Law, the Revenue, the Excise, the Customs, the East-Indies, the West-Indies, and Ireland, did not afford sufficient influence to create a majority to support their

measures—if these could not effect their intentions—then their intentions must be bad indeed.

But as they were *patriotic* men—men who looked so much to popularity—what had they to do with influence? If they wanted support to carry their measures into execution, let them look to the nation for it—let them increase the revenue—give respectability to their administration, strengthen the kingdom by foreign alliances—make trade flourish—extend commerce, lessen the public debt, and enrich the merchant and the manufacturer. Let them do these things, and they will want no influence by the Lords of the Bedchamber—no support by the creation of new Peers. They will then have the voice of the kingdom on their side, echoing thanks to them from every quarter, as it now does to that Right Honourable Gentleman, whose claim to such honour is founded in a peculiar manner, on what his own abilities, and his own integrity have done for this country.

His Lordship added, that he was now an old man, and the task of the present business rather more than he could well execute—but as it was the last of such importance he should probably during the remainder of his life trouble them with, he of course should not again stand in need of making an apology. He then moved, that their Lordships agree to the first resolution.

The



The *Bishop of Landaff* said, the subject now under their consideration was confessedly of the greatest importance; and when he spoke upon any philosophical or political questions, he wished rather to be diffident than dogmatical.—He by no means thought that their proceedings in appointing a Regent, had been regular or constitutional. The only proper way, he conceived, of filling up the third branch of the Legislature, was, not by cloathing his Royal Highness the Prince of Wales with the whole of the regal power, but by first giving him the power of Legislation, and then, those restrictions which they had heard of, might have been proposed. This, his Lordship conceived to be the method the two Houses of Parliament ought to have followed, in appointing a Regent. He said, he should beg leave to state a proposition, in which, he hoped, all their Lordships would concur: it was this,—that the power of the King was originally delegated from the people, and when the King was unable to exercise this power, it returned back to the people again; so that they had it in their own hands, and might give it to any person they pleased. Upon such a general principle as this, the determination of the House of Commons, that the Prince of Wales had no better right to the Regency than any other person, might be justified. But he begged leave to say, that this principle was not true, when ap-

plied to our Government, because the law and the constitution say, when the King dies, his power does not revert back to the people, but goes to the next heir—he has a right to succeed to it. Although a great deal had been said about the word “Right,” in these proceedings, yet he did not recollect that any noble Lord had given a definition of it. He said, he should mention that of *Grotius*, who defined “Right” to be the morally possessing a thing in conformity to law. There was another definition of this word, by an Author of no less authority than that of *Grotius*, which was, that “Right” was the morally possessing a thing not inconsistent with law. His Lordship said, he should be glad to hear of any law that was inconsistent with the Prince of Wales being Regent, or that would be violated by such an appointment. He might compare a kingdom to a private property—though he by no means meant to insinuate, that a King might use his kingdom in the same manner, or to the same purposes, as a private individual could appropriate his property; yet, they would bear comparison in this respect—if a man was incapacitated from sickness, or otherwise, for the management of his estates, who so proper as his eldest son to be entrusted with it, who was one day to succeed to the whole fortune; in like manner, in the present calamitous situation of his Majesty, who, with so much propriety, could

supply

supply the defect of the royal authority, as the Prince of Wales, who, in the natural course of events, would succeed to the Throne of these kingdoms? As they meant to entrust his Royal Highness with all the regal power, except what was mentioned in the restrictions, he could conceive no reason whatever, why he should not be entrusted with the whole of the royal authority. When he considered the public character of those who proposed this plan, he could not doubt but they had proper grounds for their conduct; he still, however, was under the necessity of saying, that he could not perceive them.

With respect to his Majesty's Household, he conceived the greatest part of it was useless. He said, our feelings sometimes got the better of our reason and judgment, and that this was the case at present; for, although this was his opinion, yet he should not like to see the office of the household annihilated; and that their unhappy Sovereign, upon his recovery, might have reason to complain that they had taken the advantage of the hour of his distress, to strip him of his household: this he could not approve of, loaded as the nation was with taxes. But he saw no end to these limitations: for upon the same principle that they were made they might make others, and even annihilate the whole regal power. That his Majesty's Household was necessary to a King he entertained not a shadow of doubt; for sub-



ordination was absolutely necessary to the peace and happiness of every community; and those external ensigns of royalty, which all ranks were capable of perceiving, and were deeply impressed by them, were of no small importance for attaining this desirable end. If this power was necessary to a King, then ought it not to be transferred to a Regent? The present subject was not a party question. It was not whether this man or that man should be Minister, but what was most conducive to the public good, and agreeable to the Constitution. If it should be said, certain powers were withheld from the Prince, because it would have been unsafe to have entrusted them with him, this was at once confessing that he was unfit for the office. But if he was to be trusted with those powers that were now intended to be committed to him, he saw no reason why he should not be entrusted with the whole of the regal power. A venerable common lawyer had described two bodies that belonged to a King, a natural body, that was subject to passions, and a political body, that was free from passion, and immortal. The natural demise of the King by death, was the separation of these two bodies from each other: and he contended from analogy, that, on the present occasion, although the political capacity of the King remained entire, his natural capacity was gone, and that there was a temporary demise. But, although the

Prince

Prince had no strict right to succeed to the regal power during the incapacity of his father, because there was no law that expressly said so; yet, from analogy, he had such a claim as he could not be divested of, but for reasons which would justify his being excluded from the Throne. He said, if there was any weakness in the reasoning of this venerable common lawyer, it was, that the case he probably had under consideration (for he was not certain) was a natural demise; but still it applied strongly to the present case.

It had been hinted by a noble and learned Lord (Lord Camden) that unless these restrictions had been put upon the Prince, his Majesty, when he recovered, and came down to that House, might see faces which were new to him, probably such as he would not like to see, and that he might find himself surrounded by his enemies. His Lordship said, he did not wish to use any asperity of expression, but he could not help thinking this was highly illiberal, for he was sure the King had no enemies. It was paying but a poor compliment to the two Great Personages. He was certain the Prince of Wales would have no friends but those of his family, and of the Constitution; and he was as certain, that his Majesty would not be offended in seeing those men in that House. He said he was sensible that friendship could only subsist among equals, and therefore he did not pretend to be a friend to  
the

the Prince of Wales ; but he considered himself as a friend to the whole House of Brunfwick, becaufe they had been friends to the constitution of this country, and had maintained the rights and liberties of the people. He said, he believed no man in that House uttered any proposition which he did not believe. He had taken the liberty to submit these observations to their Lordships, as sober enquiries, and he was fully persuaded of their truth. *He declared* himself to be of no party, and concluded with giving it as his decided opinion, that his Royal Highness the Prince of Wales ought to be entrusted with the whole of the royal authority.

*Lord Sandwich* complimented the Rev. Prelate on his able and eloquent speech. He said the manner in which they were proceeding to choose a Regent, might answer the views of certain ambitious persons, but was directly contrary to the good of the nation. The object of the limitations was to procure a weak government, and a strong opposition. At the same time they were appointing the Prince of Wales Regent, and authorising him to act in the name of his father, during his illness, they must consider him something held up to shew, as coming in place of the King, without his power. Although from the report of the Physicians, he was as much disposed as any man to hope that his Majesty would recover, yet this was by no means certain ; and  
therefore



therefore he should move that these restrictions *should only be for a limited time*.—These words, his Lordship moved, might be added to the end of the restriction preventing his Royal Highness from creating Peers.

*Lord Sydney* opposed this amendment, as he thought it was extremely probable his Majesty would recover within a reasonable time, and that therefore this amendment was totally unnecessary. If his Majesty's recovery became less probable, the two Houses might then take off the restrictions as they saw proper. This power they had at all times in their hands, and he entertained no doubt but they would exercise it on all proper occasions.

*Lord Fitzwilliam* said, the doctrine which had been advanced by a learned and noble Lord, shocked his feelings, and gave a direct stab to the constitution under which he had been born and bred, and which he had always admired. The noble and learned Lord had taken from the King, one of the noblest parts of the royal prerogative, and had rested it in the two Houses of Parliament.

*Lord Porchester* lamented the delay that had been occasioned in settling the government of this country. He said, within the three last days, *two convicts who had been executed, had been in fact butchered*, as they were deprived of the possibility of the royal mercy : there were likewise two other convicts

convicts who had been executed under the same circumstances in Scotland, though it was supposed probable that one of the witnesses was guilty. His Lordship observed, that a learned commentator on the laws of this country (Blackstone) had said, that even after trial and conviction, if a person became insane, his execution was respited, because it was supposed, if he had retained the use of his faculties, he might possibly have suggested some reason why execution should be stayed. He said, the whole contest between them at present was about places. His Lordship likewise observed, that at present there were no Ministers, and that those who stiled themselves the confidential servants of the Crown, had *usurped their places as Ministers*; they might be justly called usurpers, as they had seized upon what belonged to others; for it was plain that when that power ceased to act from which their authority originated, that authority ceased of course, and therefore they were usurpers.

These sentiments called forth the severest reprehension of the Lords Kenyon and Thurlow—and after some further debate, in which the Lord Chancellor replied, in a very powerful manner, to Lord Stormont and the Bishop of Llandaff, the question was put on the amendment of Lord Sandwich.

Contents 67.      Non Contents 93.

Majority 26.

The

The original motion was then put.

Contents 94.      Non Contents 63.

Majority 31.

FRIDAY, *January 23.*

The House resolved itself into a Committee of the whole House, and the resolution for restraining the Regent from granting pensions, reversions, &c. being read,—

*Lord Stormont* said, that, as the spirit of the resolution was similar to that which had been agreed to, the preceding evening, he should move an amendment similar to that proposed in the resolution of yesterday, by adding the words, *for a limited time.*

*Lord Cathcart*, in a speech of some length, supported the resolution.

*Lord Rawdon* said this resolution ought to be divided.

*The Marquis of Carmarthen* justified the several resolutions upon the principle of political necessity.

*The Duke of Chandos* considered the restrictions as highly necessary, and consistent with the powers that ought to be granted to a Regent during the natural life of the King.

After a few observations from *Lord Kinnaird* and *Earl Camden*, the question on this resolution was carried without a division.

The



The resolution to restrain the Regent from any controul over the estates belonging to the Crown, being next read,

*Lord Loughborough* begged to know of their Lordships, what necessity there was for this resolution, or how it was connected with the office of Regent? As to the King's real property, he conceived that it was perfectly secured by the Civil List Act passed in the reign of *Queen Anne*, or by the Civil List Act passed in the commencement of the reign of his present Majesty; and the greatest part of his Majesty's real property was secured by both these acts, which prohibited him from disposing of what he possessed *jure coronæ*. This resolution, therefore, must be considered as mere tautology, and useless, when applied to the King's real property. And as to his personal property, did it follow that although some part of it came into the hands of the Regent, that this amounted to a power of disposing of it? He thought this resolution perfectly nugatory, and could only deceive the public, by holding out to them the idea, that the Prince might possibly be guilty of some improper practices.

*Lord Kenyon* said, if he could see with the noble and learned Lord, that this resolution was either useless, or reflected upon the honour and dignity of the noble person alluded to, he should willingly vote against it. But, if he could put possible cases, probable cases, and cases now existing,

sitting, where the King might dispose of his real property, he hoped the noble and learned Lord would not persist in his opposition. He stated escheats and forfeitures as property which the King might dispose of, as they were not comprehended under the acts of Parliament that had been mentioned. He said, the King could not possess a copyhold estate *jure coronæ*, but in his natural capacity as a man, and therefore this species of real property he might dispose of if he pleased.

After some further conversation, this resolution was put and carried without a division.

The resolution was next read, investing the care of the King's person in the Queen, assisted by a Council; together with a power of removing household officers, and appointing others in their stead.

Lord Razdon said, this resolution contained three distinct propositions, and he should move to have them separately and distinctly considered. This was merely to answer the purpose of convenience, and to throw more light upon this resolution, which was complex and intricate. He said, the first proposition contained in this resolution was, that the care of the King should be entrusted to the Queen's most excellent Majesty. 2dly, That she should have the power of removing and appointing those persons who were to fill the offices in his Majesty's household. And

3dly, that she should have the advice and assistance of a council. It would be extremely convenient to have the sense of their Lordships on each of these propositions.

*Lord Loughborough* seconded this motion, and conceived, that the proper way of taking the sense of their Lordships upon this point, was by putting it by way of question to the Committee.

*The Marquis of Stafford* observed, that any noble Lord, who objected to this last resolution, ought to state that part to which he so objected, to the Committee, who would decide upon it.

*The Lord Chancellor* said, there never was such a motion as this made either in this House, or any other House of Parliament. If any resolution or question that came before the House appeared to be complex and intricate, the only way of dividing it, agreeable to the forms of the House, was to stop at the end of those words that were conceived proper, and then to put the question, whether the words excepted to should stand part of this resolution. Every one who was in the smallest degree acquainted with the forms of Parliament, must see this was the only way in which they could divide a subject.

*Lord Loughborough* said, it seemed to be confessed on all hands, that it was proper to divide an intricate subject, though this did not prove that the resolution now, under their Lordships consideration was complex. He said, the disadvantage



advantage of this mode of division, that was pointed out by the noble and learned Lord, was, that after it had been determined, that any part of a resolution should not stand as part of it, that part could not be inserted into the resolution again; and therefore no noble Lord could deliver his sentiments, or give his vote upon it.

*The Lord Chancellor* wished some noble Lords to explain a little, how it was possible to separate the first and second propositions contained in this resolution. They were willing to intrust the care of the King's person to the Queen's most Excellent Majesty, but were unwilling to allow her Majesty the care and superintendence of his Majesty's household; and how was it possible for her Majesty to take care of the King's person, without the means necessary for that end? Did they mean that his Majesty should be *reduced* to a *poor, wretched, bereaved situation*? Did they mean that he should be put out at *board wages*? If this was to be the case, all care of the King's person was gone. Then his Majesty would be brought low indeed. And when he recovered from his present infirmity, it would be in vain to attempt to replace him upon the throne. For her Majesty to be entrusted with the care of the King's person, under these circumstances, would mortify her feelings. It ought to distress her feelings, when she considered him as her husband, under

whose shade she had been honoured and protected. It was certainly never intended that the Queen should only have the physical care of his Majesty's person, and see that proper medicines were applied for his recovery; this was the low, mean, wretched state of an obscure man, without name, without honour, without reputation: and was the Sovereign of this country to be reduced to this abject situation?—No, said the Lord Chancellor, I claim for the King the rights of a King who is sick; I claim for the King every mark of royalty which this country has deemed necessary to the situation of a King; I insist upon the rights of the King; and is there any noble Lord present who dares refuse them? *I protest before God, I could not have believed there was a noble Lord in this House, who wished to strip his MAJESTY of every mark of ROYALTY, and to reduce the KING to an abject and forlorn situation, while he is labouring under a misfortune, equal to any that ever was, since misfortune was known in the world. A King—“deserted in his utmost need, “by those his former bounty fed.”*

After some further debate, in which Lord Stormont, Lord Loughborough, Lord Rawdon, the Duke of Richmond, and the Chancellor took a part, the Committee divided.

Contents 68.      Non Contents 91.

Majority 23.

The original motion was then put, and carried without a division.

MONDAY,

MONDAY, *January 26.*

A Message was sent to the Commons, desiring a conference in the Painted Chamber; this being agreed to, a Committee was appointed, and their Lordships concurrence with the resolutions sent up to the Commons, was communicated in the usual form.

SATURDAY, *January 31.*

*Earl Camden* reported, that the Prince of Wales had been waited on by the Committee appointed to present the address and resolutions voted by the House, and also the answer of his Royal Highness.

*Earl Waldegrave* reported the same of the Queen. The addresses and answers were then ordered to be printed.

The Order of the Day being then read, and the House having resolved itself into a Committee on the state of the nation,

*Earl Camden* said, that the answers of the Queen and the Prince of Wales being now before the House, it remained to consider the means of reviving the legislative power of Parliament, and giving regularity to their future measures. His Lordship observed, that it was an established principle in the constitution of Great Britain, that



the two Houses of Parliament, without the presence of the King, either in person, or by a commission, by letters patent under the Great Seal, could do no legislative act. The Noble Lord then entered into a discussion of the distinction between the political and personal capacity of the King; and after adverting to the lamentable calamity which had deprived them of the assistance of the Sovereign in his natural capacity, observed, that they were under the unavoidable necessity of having recourse to his political capacity, of which they could not be deprived. They had already declared, that it was the right and duty of the Lords and Commons to provide a remedy for the natural incapacity of the King, and the declaration implied that they possessed the means. The means he conceived to be, to order letters patent to be issued under the Great Seal, in his Majesty's name, appointing a commission to open the Parliament in the usual form. Such a commission had, indeed, been ridiculed as a phantom; but those who had been so liberal of their ridicule were, in his opinion, ignorant both of the law and the constitution. In proof of this, his Lordship quoted many precedents, but insisted principally on those of Henry VI. His Lordship then proceeded to recapitulate the transactions which immediately took place on the death of Henry V. Certain Lords met at Windsor, the Chief Officers of State and the Lords of

the Council, he conceived them to have been, and ordered the Great Seal to be put into commission for assembling and holding a new Parliament in the name of the infant King. In this Parliament they settled the Regency, and the Duke of Gloucester gave the Royal Assent to their acts for two years. After that time, conceiving his ambition to be dangerous, they did not entrust him any more with the exercise of that power, and appointed a commission to give the royal assent in the presence of the King, as if that assent had been his own act and deed. In the sixth year of the King's reign, the Duke of Gloucester appealed to the two Houses, touching his authority in Parliament as Lord Protector of the Realm. It was answered, after solemn deliberation, that he had no more power or authority than any other Peer. His Lordship enlarged on the application of these precedents, quoted the authority of Chancellor Hardwicke as having advised and countenanced proceedings of a similar nature, and concluded with moving, "That it was expedient and necessary that letters patent should pass under the Great Seal, &c."

*What followed, was a transcript of the writ usually issued under the sign manual for empowering certain commissioners to open and hold a Parliament, except that, towards the end, were inserted the words, "by and with the advice of the Lords and Commons:" the Commissioners were the same as in other Commissions;—the*

*Prince of Wales, the Peers of the Blood Royal, the Archbishop of Canterbury, the Great Officers of the State and of the Household.*

After Lord Portchester had given his opposing arguments to the measure,

The *Duke of York* said, that he had already given his opinion on those proceedings; his name stood recorded on the journals of the House, as having disapproved of them, and he could not suffer it to be transmitted to posterity in any manner that might imply a subsequent acquiescence in the measures against which he had solemnly protested. He was authorised to say, that the sentiments of his Royal Uncle, the Duke of Cumberland, were the same; and although he had received no precise instructions from the Prince of Wales or the Duke of Gloucester, yet he was convinced that their sentiments coincided with his own.

The names of the Prince of Wales and the Peers of the Blood Royal, were, on motion, withdrawn from the commission, and the House adjourned.

MONDAY, *February 2.*

In a conference between the two Houses, the Marquis of Stafford informed the Commons that the House of Lords had come to certain resolutions



tions respecting the Commission Bill, to which their Lordships desired their concurrence.

TUESDAY, *February 3.*

The Commons having desired a conference with the Lords, the resolutions of the Lords were returned, agreed to by the Commons. A message was then sent down to the Commons, desiring their immediate attendance to hear the commission read. The Lords Commissioners, who sat in their robes to receive the Commons, were, the Archbishop of Canterbury, Earl Bathurst (who officiated as Speaker for the Lord Chancellor) the Lord Privy Seal, the Marquis of Carmarthen, Lord Sydney, and the Lord Chamberlain of the Household. When the Speaker came to the bar with the Commons, Earl Bathurst stated, that the illness of his Majesty had rendered it necessary that a commission, in his name, should pass the Great Seal, which they would hear read.—The clerk then read the commission, when Earl Bathurst addressed both Houses as follows:

“ *My Lords and Gentlemen,*

“ In pursuance of the authority given to us by his Majesty’s commission under the Great Seal, which has been read, amongst other things, to declare the causes of your present meeting, we have only to call your attention to the melancholy

circumstances of his Majesty's illness; in consequence of which, it becomes necessary to provide for the care of his Majesty's royal person, and for the administration of the royal authority, during the continuance of this calamity, in such manner as the exigency of the case seems to require."

The usual orders at the opening of the session were then moved and ordered.

MONDAY, *February 16.*

*Lord Sydney* moved, that the Bill intituled, "An Act to provide for the care of his Majesty's Royal Person, and for the Administration of the Royal Authority, during the continuance of his Majesty's Illness," be read a second time. The bill was accordingly read and committed.

TUESDAY, *February 17.*

The Lords were employed in debating several clauses of the Regency Bill.

WEDNESDAY, *February 18.*

Their Lordships continued their progress in debating the clauses of the Bill.

THURSDAY,

THURSDAY, *February* 19.

The *Lord Chancellor* informed the House, that since his Majesty's physicians had pronounced him to be in a state of convalescence, the accounts of his Majesty's progressive improvement had increased from day to day, and the intelligence from Kew was that day so favourable, that he conceived every Noble Lord would agree with him in acknowledging, that it would be indecent and improper to go on with the proceedings in which they were engaged, under the present circumstances, when the principle of the Bill might possibly be entirely done away. Every one of their Lordships, he was persuaded, would entertain the same sentiment on the same subject, and amidst the general joy that the happy and reasonable expectation of his Majesty's speedy return must occasion, he had no doubt that the House would agree with him, that it would be better to wait a few days, to see what progress towards a perfect and complete recovery was made in his Majesty's health, before they went further with the Bill appointing a Regency.—Congratulating their Lordships and the Country, therefore, on the favourable prospect of that event, to which the wishes and prayers of all his Majesty's subjects were directed, he would humbly submit to their Lordships the propriety of the Committee's being adjourned till Tuesday next;



next; and by his Majesty's then situation in point of health, their Lordships would be enabled to judge how far it would be necessary or proper to go on with the proceeding.

After some observations from Lord Stormont,

The *Duke of York* rose, and delivered himself as follows: " I trust your Lordships will do me the justice to believe, that no person in the House could feel equal pleasure with myself from the favourable account which the Noble Lord on the Woolfack has given, and the motion he has made to the House, in which I entirely concur. I should have had great satisfaction in making the same communication to the House, if I had been enabled to do it from any certain information. I thought it my duty yesterday, upon the favourable reports given to the public, to request to be admitted to his Majesty person. From reasons, very justifiable, I have no doubt, it was not thought proper that I should have that satisfaction.

" From the knowledge I have of my brother's sentiments, though I can have had no immediate communication with him upon the subject of this motion, I am convinced that he will feel equal, if not greater pleasure than myself, at the hopes of his Majesty's recovery; as it must relieve him from the embarrassment of the situation in which the Bill would have placed him, which  
nothing

nothing but a strong sense of his duty to the public would have induced him to undertake."

The Committee was adjourned to Tuesday, and the House rose immediately, having also adjourned to that day.

TUESDAY, *February 24.*

The *Lord Chancellor* said, that the progress which his Majesty made towards recovery, continued to be so favourable from day to day, that he presumed their Lordships could have no objection to adjourn for a few days longer. He therefore moved to adjourn to Monday next.

MONDAY, *March 2.*

The *Lord Chancellor* said, the accounts of his Majesty's health being every day more and more favourable, he should content himself with reminding their Lordships, that the late adjournments had been proposed on the principle of bringing the pressure of public affairs as gradually as possible under his Majesty's view; and, therefore, on the same principle, he should move, "That the order of the day be adjourned to Thursday next."

THURSDAY,

THURSDAY, *March 5.*

The *Lord Chancellor* acquainted the House, that his Majesty found his health so much better, that it was probable he would be able to make some communications to their Lordships relative to public business on Tuesday next. He moved, therefore, that the House should adjourn to Tuesday.

TUESDAY, *March 10.*

The Lords having met according to adjournment, a commission from his Majesty, appointing certain of his Privy Counsellors, or any three of them, in his Majesty's name, to deliver to both Houses of Parliament a speech from his Majesty, was read. The Commons were accordingly summoned to attend, and on their coming to the bar, the Lord Chancellor acquainted both Houses with the reason of their being called together, viz. that a commission had passed the Great Seal, with his Majesty's sign manual, which he directed to be read by the clerk.

The speech which the Lord Chancellor then read to both Houses, has been given at the conclusion of the debates in the House of Commons.

On the Lord Chancellor's reporting his Majesty's speech, Lord Chesterfield moved an humble



ble Address in answer to the same, which was seconded by Lord Cathcart, and the question being put, the Address was agreed to *nemine dissente*.

Lord *Morton* afterwards moved a congratulatory message to the Queen, which was seconded by Lord Hawkesbury, and their Lordships directed to wait upon her Majesty with the same.

Lord *Hawkesbury* afterwards moved the order of the day, for the House to resolve itself into a Committee on the further consideration of the bill, intitled, “An Act to provide for the care of his Majesty’s Royal Person, and for the Administration of the Royal Authority during the continuance of his Majesty’s illness.” His Lordship then moved to discharge the order; which, upon the question, was ordered. His Lordship observed, that as his Majesty’s happy recovery, and the proceedings of the day, had entirely done away the object of the bill, he should move, “that the bill be rejected.”—The question being put, was agreed to by the House.

After this, the Addresses to their Majesties, voted by the House, were presented, and most graciously received. But, being of a similar tendency with those of the Commons, and similar Answers being returned, we have thought it unnecessary to insert them.

# L I S T

O F T H E

## DIVISION *in the* HOUSE of LORDS,

On FRIDAY the 26th of DECEMBER, 1788,

On the Question of the Amendment to the Resolutions  
moved by Lord RAWDON.

### C O N T E N T S.

<i>Dukes of</i>	<i>Earls of</i>	<i>Lords</i>
York	Peterborough	Audley
Cumberland	Shaftesbury	St. John
Norfolk	Plymouth	Clifton (Earl of
Bedford	Jersey	Darnley)
Portland	Scarborough	Teynham
Devonshire	Cholmondeley	Craven
Northumberland	Buckinghamshire	Boyle (Earl of
<i>Marq. of Town-</i>	Fitzwilliam	Cork)
<i>shend</i>	Hertford	Hay (Earl of
<i>Earls of</i>	Ilchester	Kinnoul)
Derby	Spencer	Cadogan
Huntingdon	Abergavenny	Monson
Suffolk	<i>Viscounts</i>	Chedworth
Carlisle	Hereford	Ponsonby (Earl of
Sandwich	Bolingbroke	Besborough)
Stamford	Maynard	Walpole
Exeter	Hampden	Stawell
		Pelham

<i>Lords</i>	<i>Lords</i>	<i>Earls of</i>
Pelham	Douglas (D. of	Selkirk
Egmont	Queensbury)	Breadalbain
Vernon	Malmfbury	<i>Viscount</i> Stor-
Cardiffe		mont.
Hawke	SCOTCH PEERS.	<i>Lord</i> Kin-
Foley	<i>Marquis of</i> Lo-	naird
Loughborough	thian	<i>Bishops of</i>
Portchester	<i>Earls of</i>	Winchester
Rodney	Eglintown	Landaff
Rawdon	Cassilis	Bristol.

# N O T - C O N T E N T S.

<i>Dukes of</i>	<i>Earls of</i>	<i>Earls of</i>
Richmond	Doncaster	Darlington
Beaufort	Abingdon	Fauconberg
St. Alban's	Gainsborough	Delaware
Brandon	Rochford	Radnor
Chandos	Coventry	Chatham
Bridgewater	Poulett	Bathurst
Newcastle	Oxford	Aylefbury
Montague	Aylesford	Clarendon
<i>Marquiffes of</i>	Suffex	Leicefter
Stafford	Stanhope	Uxbridge
Lansdowne	Macclesfield	Norwich (Duke
<i>Earls of</i>	Ker (Duke of	of Gordon)
Salisbury	Roxburgh)	Talbot
Denbigh	Waldegrave	Strange (Duke of
Westmorland	Effingham	Athol)
Winchelfea	Harrington	<i>Viscounts</i>
Chefterfield	Warwick	Howe
Effex	Harcourt	Weymouth
	2	Falmouth



<i>Viscounts</i>	<i>Lords</i>	<i>Earls of</i>
Falmouth	Thurlow (Chan-	Galloway
Edgecumbe	cellor)	Hopetoun
<i>Lords</i>	Harrowby	<i>Lords</i>
W. de Brooke	Brudenell	Elphinstone
Howard of Wal-	Walsingham	Cathcart
den	Bagot	<i>Archbishop of Can-</i>
Osborne (Marquis	Sydney	terbury
of Carmarthen)	Louvaine	<i>Bishops of</i>
Middleton	Carteret	London
Onslow	Elliott	Durham
Romney	Bulkeley	Bath and Wells
King	Somers	Carlisle
Montford	Berwick	Salisbury
Fortescue	Delaval	Peterborough
Scarsdale	Hawkesbury	Worcester
Bolton	Dover	Chester
Digby		Lincoln
Sundridge (Duke	SCOTCH PEERS.	Bangor
of Argyle)	<i>Earls of</i>	Gloucester
Amherst	Morton	St. David's.
Rivers	Moray	

## GENERAL OBSERVATIONS.

THE leading circumstances of this important period, are involved in the proceedings of Parliament ; and to examine the great political features of it, we must have recourse to the Houses of Lords and Commons. It remains for us to give a sketch of the general effect which the singular situation of the country produced on the inhabitants of it, and to delineate the State conduct and principles of the two parties, whose contests occasioned what ferment there was among the people.

The illness of his Majesty had been the cause of much public uneasiness for some days, in the beginning of November, though the real state of it, by no means, transpired ; and so mysterious were the precautions employed to conceal the affecting circumstances beneath which the King laboured, that on the ninth of November, being Lord's Mayor's day, it was generally believed, throughout the metropolis, that he was no more ; and that the event of his death was withheld from public notification, in order to give time for the Lord Mayor elect of London to be sworn into his important office, previous to the proclamation of George the Fourth. This general apprehension was done away on the morrow, and the deplorable nature of his Majesty's disorder being at length made known, gave a new

object to the sorrow of his people.—Yet, in the midst of its affliction for the lamentable situation of its Sovereign, the nation appeared to find somewhat of a melancholy consolation. **THE KING LIVED**; and the public examination of royal and consulting Physicians, before the Privy-Council, encouraged the people to hope that he would regain the perfect use of his reason, and be restored to all his former capacity to govern his kingdoms. But, however probable a cure might be, the utmost sagacity and experience of physic did not attempt to decide upon the period of restoration; it was, therefore, most essentially necessary that some plan should be adopted to supply the immediate deficiency in the executive government of the country; and, though a Regency was resorted to as the best and only means to be employed on the sad occasion, both by the servants of the afflicted King, and the party which opposed them, the manner of forming and appointing it, occasioned that violence of political contention which succeeded.—Of these two opposing parties something must be said.

The Minister, at this extraordinary period, possessed, in the highest degree, the confidence of the nation. The public prepossession to the name he bears, was grown into great popular regard, from his having conducted himself, according to the general opinion, in a manner that added new honours to it. The nation was recovering, under his administration, from the ruinous



nous consequences of the late war; the measures of government were almost universally thought to be framed with wisdom, and the energies of it employed with spirit, and with judgment;—while the honour, the dignity, and resolution with which our Court acted towards foreign powers, had replaced Great Britain in the predominant situation which she formerly possessed in the eyes of Europe. The Party in opposition, were, at this time, very low in the public opinion, and in their own. They certainly did not feel any the least probability of an immediate return to power, nor could the most penetrating spirit among them, discover any object floating in the political atmosphere, which might yield them advantage. During the preceding winter, the more active leaders of the band had found employment for their superior talents and eloquence, in the prosecution of Mr. Hastings; and, at the moment, when the King's illness gave new life to their hopes, they were engaged in pursuits which had no connection with the government of an Empire.—Mr. Fox, who was the soul of the party, and without whose abilities, it could not have hung together for a day, was enjoying the pleasures of foreign travel, from which he was recalled in the utmost haste, to give life and energy to the political cohort that waited to be directed by him. But neither the superior talents of that Gentleman, nor all the weight of the houses of Norfolk, Cavendish, and Russell, which

supported him, could have elevated the Party to a situation that would have qualified them to have made a plausible struggle for power, if they had not been assured of the decided favour and personal support of the Prince of Wales. But such protection, they were willing to believe, would stand in the stead of public confidence, if it could not command it.

Many people indeed, had formed a fond hope, in spite of the vauntings of Opposition adherents, that the Prince of Wales would not step from an inactive and neutral situation, while any hopes remained of his Royal Father's recovery. His real friends had formed such a flattering expectation from the amiable demeanour of his Royal Highness, while his Majesty remained at Windsor. During that period, he appeared to treat the situation of his father with a becoming respect, and his afflicted family with consolatory attentions. At this time he had frequent communications with the King's Ministers, and it was thought that his understanding, under the awful circumstances around him, might be so enlightened as to see the direct path of his duty; that by frequent intercourse with Ministers, he might be weaned from his supposed prejudice against them; and that, while the King's recovery was a matter of any expectation, he would not, for their own sakes at least, elevate a set of men to power, whom that event would dismiss at once to their former situation.—But this was the idle dream  
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of a patriot imagination, that was soon destined to pass away. From the earliest apprehension of danger to the King's life, or the loss of his understanding, his Royal Highness had certainly determined upon the line of his political conduct;—he immediately fixed upon Mr. Sheridan to be his stationary confident, and the organ of his intentions to the principal persons of the party he was determined to support. Thus the nation saw him place himself, as it were, at the head of it, and employ one of its most active partizans, as his confidential friend. But, in short, he appeared to take post in the very camp of Opposition; and the Duke of York, with his Uncles of Gloucester and Cumberland, immediately repaired to join his standard. The nation beheld this arrangement with no common concern, and felt an additional impulse in their prayers for the recovery of the Sovereign.

We acknowledge, without hesitation, that the possession and the attainment of power were the respective objects of the two contending parties. The Ministers of the afflicted King, influenced by the hopes that were held out to them of his recovery, conceived it to be their duty to retain the situation in which he had placed them, till the affairs of the nation should require their departure from it: while the party in opposition appeared to be in a state of anxious haste to enter into office, even to enjoy the short-lived advantages which might result from the most brief



possession of it, lest the restoration of the King's health should exclude them from any advantage at all. We do not mean to express a party, but an unbiaſſed opinion, when we declare it to be our ſentiment, that the Miniſter and his Colleagues, acted through the whole of this buſineſs, in a manner congenial to the Conſtitution, and ſuitable to the dignity of the afflicted Monarch, as it was followed by the general applauſe of the nation : while, on the contrary, the Oppoſition manifested a moſt indecent hurry to poſſeſs themſelves of power—conducted themſelves with an apparent view to their own perſonal advantage, and held forth the protection of the future Regent, as a reaſon for acting againſt the ſenſe of a very predominant majority of the people.

At the moment when it pleaſed heaven to deprive the King of his right underſtanding, he enjoyed as great a ſhare of popular affection as he had at any time known ſince he ſucceeded to the Britiſh Crown : and, from the ſenſibility of a generous people, that popularity was encreaſed to the higheſt degree of national affection, from the very circumſtance of his being in a ſituation that rendered him inſenſible to it. The Miniſters, therefore, who were known to have been honoured with his partial favour and unlimited confidence, would naturally find the political merit they might poſſeſs, to be greatly enhanced, on that account, in the public opinion. While the people looked with an unfavourable eye on

the expected elevation of a set of men, whose unpopularity would be naturally encreased, from owing their rise to power to no other circumstance whatever, but an event that caused the affliction of the whole Empire. We write with the freedom of history, and, we trust, without offence; but we are under the necessity of observing, that the great personage, into whose hands the Regency of the country was about to be delivered, was not, at this time, a popular character in the nation he was about to govern. He is known to possess many amiable qualities, and an understanding far above the level of common men; and the errors of royal youth, would soon have been forgotten in the contemplation of princely virtues.—But it appears that his Royal Highness yielded himself up to the affections of his heart, and left his understanding unconsulted;—in the amiable ardour of providing for those, of whose zeal for his person he was convinced—of whose superior talents he was persuaded, and in whose political sentiments he acquiesced, his Royal Highness did not manifest a disposition to coincide with the wishes of the nation. The generous temper of an unsuspecting young man, might be easily worked upon by the arts of interested people, to appear at the head of a party, when he should be waiting in a dignified acquiescence with the proceedings of Parliament, to place him at the head of an Empire. His Royal Highness might be, and probably was,

convinced, that the men he should take with him into power, were the best qualified in the kingdom, to direct the government of it; and having no doubt, as to the happy fruits of their administration, he might yield to no other impulse but that of his own partiality, in making them Ministers.

While the arrangement of the Regency was agitating in Parliament, and had attained some degree of advancement, an opinion very generally prevailed, that the most distinguished characters of Opposition, though treated with the utmost exterior respect, were not honoured with the greatest share of the Prince's real confidence. It was suspected, and with some degree of reason, that the politics of Carlton-House, required an acquiescence to certain propositions, and an engagement to forward certain measures, which, under any circumstances, would be very unpopular; and under those of the moment, would require the most active, and perhaps artful exertion of power, to bring into effect:—it might, therefore, be natural for those who manifested a promptitude to gratify any and every wish of their royal patron, to receive an adequate return of confidential favour. The calm integrity of the Duke of Portland, would not knowingly stoop to any act inconsistent with it; and the towering spirit of Mr. Fox, would never be induced to attain its most favourite ends by little means. The interested views of favourite but needy associates, or the



ambitious projects of a predominating female influence, would have to look for support from men of inferior character; and it was to such inferior characters that the Prince was supposed to discover an infatuated prepossession. The Duke of Portland wished to repress, in some degree, the ardent spirit which manifested itself in the Party to possess themselves of power; and Mr. Fox was obliged, from illness, accompanied, as it has been thought, with no small degree of secret dissatisfaction, to retire, for a time, from the public contest of it. But when Mr. Sheridan dared to utter his taunts to the Minister for retaining his official situation; and when Mr. Burke was so vehemently affected at the delay of Ministers in offering their resignation, that he appeared to have lost his own reason, in describing the malady which had preyed upon that of the King, we discover the men in whom the desire of sharing the good things of government was the most ardent; and who, at the same time, possessed the insidious faculty of persuading the Prince, that the violence of their zeal in hastening the gratification of their own interested ambition, was nothing more than ungovernable ardour for his honour, and the good of their country.

In this contest, the King's Ministers maintained the confidence, and received the applause of the people.—The first opinion of the physicians, especially that of Dr. Addington, had strengthened

ened the resolution of Administration, checked the ardour of Opposition, and flattered the hopes of the nation. The second examination of the King's medical attendants, on which both parties seemed to place a very great reliance, and from whence they afterwards drew their respective conclusions, confirmed the idea, that there was a probability of his Majesty's recovery : while Dr. Willis, who had been called to attend on the King, from his long and successful practice in that particular disorder with which he was afflicted, declared an assured confidence, that the royal mind would be restored to its former state of reason and intelligence.

The general hope, founded on the testimonies of the physicians before the Committee of the House of Commons, tended in equal proportions to strengthen the Minister, and to weaken Opposition;—while the public execration that followed certain persons, who left what they thought a falling, to hail a rising power, helped to animate the friends, and to dispirit the enemies of Administration. Hence it was, that the party espoused by the Prince, though he was thought to be on the very verge of regal power, could not carry a single point against the Minister in his arrangements to prevent the abuse of it. At length, however, the bill for supplying the deficiency of the executive government had passed the House of Commons, and was in a progressive state in the House of Lords. The Prince of  
Wales

Wales had consented to receive the Regency on the terms proposed in the bill, and was preparing to enter upon the administration of government, with a Ministry of his own appointment, consisting of many of the most unpopular men in the kingdom:—while the servants of the King, were, of course, on the eve of quitting power, with the most sincere regret and confirmed approbation of the whole kingdom; and armed with such powerful means of opposing the new administration, as to beget a general doubt, whether, without some alteration in his arrangements, the Regent would be able to proceed in the government of the country.

The nation, indeed, seemed to tremble at the consequences which might result from such a position of public affairs. Mr. Pitt had, indeed, pledged himself by an unequivocal declaration in the House of Commons, that he would, on no account, give a wanton opposition to the future measures of the Regent's Ministers:—but a very general apprehension prevailed, that, in case the new administration should call forth the necessary and predominant opposition of the late Minister and his adherents, the interruptions of government might amount to a stagnation of it:—and as the Regent was generally believed to entertain a personal dislike of Mr. Pitt, and the most rooted prepossessions in favour of his own Ministry, it was apprehended that such a scene of confusion might ensue, as would threaten the nation with  
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a still greater calamity than that beneath which it already laboured.

But, at this moment, when apprehension lay very heavy on the public mind, it pleased heaven, whose design appears to have been to correct, and not to destroy us, to restore our beloved Monarch to himself and his people. The former order of government was maintained, the executive power resumed its place in the constitution, and the nation was, for some time, insensible to every thing but joy, and active in nothing but the means of making it known to earth and to heaven.

But although, amid this scene of general exultation, disappointment did not dare to avow its feelings, it failed not to disseminate secret insinuations, that the public joy was chargeable with prematurity and inconsiderateness—that, in certain disorders, a relapse was no uncommon event, and that a mind which had been once violently afflicted with derangement, ought to be trusted with hesitation, as it seldom recovered the due vigour of its former state. The necessary caution with which his Majesty was advised to act after such a severe illness, was assigned as a reason for believing that his cure was, by no means, a subject of reliance; and to false arguments drawn from real facts, the emissaries of faction added falsehoods of every kind, in order,  
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if possible, to create a popular incredulity as to the absolute recovery of the Sovereign.

To have engaged at once in the fatigues of public business, would have been a greater proof of insanity in the royal mind, than any it had discovered during the malady with which it had been so sorely afflicted;—and, if it had been possible for his Ministers to have advised such a proceeding, they would have belied, on his Majesty's restoration to health, the dignified affection which they had manifested towards him, in his state of infirmity. Besides, the King himself, though by no means indisposed to perform the necessary functions of sovereignty, though he did not suffer the requisite business of the state to be any longer delayed, by his absence from it, he was sensible to the religious, as well as political impressions of his situation;—and his mind, ever seriously disposed to public acts of divine worship, now felt an indispensable obligation to connect a public tribute of his gratitude to heaven, with the first personal tribute he should receive of the affection of his people. He communicated with his Ministers of State, presided at councils, performed the business of the cabinet, received addresses, and gave audience to particular persons; but, very soon after his restoration to health, he declared it to be his intention, to make his first appearance in public an act of grateful devotion to heaven, by going in state  
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to the Cathedral Church of Saint Paul's, on the day appointed to celebrate the national thanksgiving for his recovery. This extraordinary and affecting ceremonial took place on the 23d day of April, and offered a spectacle to the metropolis of the British Empire, which far exceeded whatever is recorded of the ceremonies of Pagan adoration, the games of polished Greece, and the triumphs of imperial Rome. It was the mind of the first nation in the world, co-operating with that of its Sovereign, in a public act of thanksgiving to heaven for the preservation of a good King, and the prosperity of a loyal people.

His Majesty appeared, on the occasion, under a deep impression of those feelings which became him. He wore a solemn demeanour suited to the circumstances and duty of the day; in which, however, there was nothing to give faction an hope, or loyalty a fear. But still the guileful tongue of political calumny spit forth its falsehoods, and a factious sophistry continued to employ its wicked but unsuccessful efforts, to propagate doubts, as to the real situation of the Sovereign's health. The promised appearance of his Majesty at Court, on his Birth-day, was, however, to confirm what was generally wished, and very little doubted—that he was in such a state, as might justify the national hope, that he would be long continued as a blessing to his people.—His absence, however, from the Drawing-  
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ing-room, on the 4th of June, though it did not deprive loyalty of its confidence, occasioned it to stagnate, till his Majesty's intention of meeting his Parliament on the Tuesday following, to receive the new Speaker of the House of Commons, was authentically made known. On that day the King went, in the usual state, to the House of Lords, was seen once more on the Throne of the the British Empire, and appeared, to his loyal people, in such a state of health and animated satisfaction, as to afford them the happiest of all prospects,—that of enjoying, under his benign reign, a long continuance of national prosperity.

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